

110TH CONGRESS
1ST SESSION

H. R. 3990

To reduce sexual assault and domestic violence involving members of the Armed Forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victims services, and strengthened provisions for prosecution of assailants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2007

Ms. SLAUGHTER (for herself, Mr. ALLEN, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. BURTON of Indiana, Mrs. CAPPS, Mr. COSTA, Mr. CROWLEY, Ms. DELAURO, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Ms. HIRONO, Mr. HONDA, Mr. INSLEE, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. McDERMOTT, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. POE, Ms. LORETTA SANCHEZ of California, Mr. SHAYS, Ms. SOLIS, Mr. TIERNEY, Mr. WU, Ms. SUTTON, Ms. ROYBAL-ALLARD, Ms. KILPATRICK, Mr. ROTHMAN, Mr. CARNEY, Mr. DICKS, Mr. VAN HOLLEN, and Mr. AL GREEN of Texas) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on the Judiciary and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reduce sexual assault and domestic violence involving members of the Armed Forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victims services,

and strengthened provisions for prosecution of assailants,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Military Domestic and Sexual Violence Response Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VICTIMS’ ADVOCATE PROGRAMS IN THE DEPARTMENT
OF DEFENSE

Subtitle A—Definitions

Sec. 101. Definitions relating to sexual assault, domestic violence, etc., in the
military.

Subtitle B—Office of Victims’ Advocate and Department of Defense
Interdisciplinary Council

Sec. 111. Office of the Victims’ Advocate.

Sec. 112. Department of Defense Interdisciplinary Council.

Sec. 113. Conforming repeal.

Subtitle C—National and International Hotlines Awareness, Prevention, and
Intervention Campaign

Sec. 121. Awareness, prevention, and intervention campaign.

Subtitle D—Prevention and Intervention Training

Sec. 131. Prevention and intervention training contracts.

Subtitle E—Biennial Conference on Sexual Assault and Domestic Violence

Sec. 141. Establishment.

Sec. 142. Conference activities.

Sec. 143. Conference participants.

Subtitle F—Memorandums of Understanding With Civil Organizations

Sec. 151. Agreements with civilian organizations.

TITLE II—RIGHTS, RESTITUTION, TREATMENT, AND SERVICES
FOR VICTIMS

Subtitle A—Protection of Persons Reporting Sexual Assault or Domestic Violence

- Sec. 201. Protection of communications between victims and advocates.
- Sec. 202. Victim service organization privilege and health care professional privilege in cases arising under Uniform Code of Military Justice.

Subtitle B—Medical Care and Treatment for Victims of Sexual and Domestic Violence

- Sec. 211. Enhanced Department of Defense treatment capacity.
- Sec. 212. Community level program.
- Sec. 213. Transition to veterans health care for victims or perpetrators of domestic violence, sexual assault, family violence, or stalking.

Subtitle C—Military-Civilian Shelter Programs

- Sec. 221. Enhanced capacity of the Department of Defense for shelter programs and services.

Subtitle D—Victim's Rights and Restitution

- Sec. 231. Military law enforcement and victims' rights.
- Sec. 232. Availability of incident reports.
- Sec. 233. Victim advocates and victims' rights.
- Sec. 234. Restitution.
- Sec. 235. Records of military justice actions.
- Sec. 236. Technical amendments relating to fatality review panels.

TITLE III—REPORTING, PROSECUTION, AND TREATMENT OF PERPETRATORS

Subtitle A—Reporting of Sexual Assault, Domestic Violence, and Stalking Within the Department of Defense

- Sec. 301. Complaints of sexual assault and domestic violence.
- Sec. 302. Response of military law enforcement officials to domestic violence incidents.
- Sec. 303. Investigation of sexual and domestic violence cases involving Department of Defense personnel.

Subtitle B—Crimes Related to Sexual Assault and Domestic Violence

CHAPTER 1—FEDERAL CRIMINAL CODE

- Sec. 311. Assimilative crimes.
- Sec. 312. Jurisdiction for sexual assault and domestic violence offenses committed outside the United States.
- Sec. 313. Travel and transportation.

CHAPTER 2—UNIFORM CODE OF MILITARY JUSTICE

- Sec. 316. Domestic violence and family violence.
- Sec. 317. Protective orders.

Subtitle C—Treatment Services for Perpetrators

- Sec. 321. Enhanced capacity of the Department of Defense for treatment services for perpetrators.
- Sec. 322. Sex offender treatment program.

TITLE IV—COUNSELING AND TREATMENT PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS

- Sec. 401. Research on best practices to overcome stigma related to military sexual trauma.
- Sec. 402. Training for Department of Veterans Affairs primary care providers.
- Sec. 403. Pilot program on ways to identify veterans who are victims of military sexual trauma.
- Sec. 404. Pilot program on treatment of active-duty military personnel through facilities of the Department of Veterans Affairs.

TITLE V—OTHER MATTERS

Subtitle A—Administration Matters

- Sec. 501. Performance evaluations and benefits.
- Sec. 502. Closure of Article 32 investigations in cases of sexual assault or domestic violence.

Subtitle B—Enhancement of Armed Forces Domestic Security Act

- Sec. 511. Amendments to Servicemembers Civil Relief Act.

Subtitle C—Research on Prevalence, Needs Assessment, Services, and Accountability

- Sec. 521. Research on sexual assault, domestic violence, and family violence in the Armed Forces.
- Sec. 522. Research on institutional procedures for reporting sexual assault, domestic violence, and family violence in the Armed Forces.
- Sec. 523. Research on dating violence associated with the Armed Forces.
- Sec. 524. Research on child maltreatment, abuse, and homicide in the Armed Forces.

1 **TITLE I—VICTIMS’ ADVOCATE**
 2 **PROGRAMS IN THE DEPART-**
 3 **MENT OF DEFENSE**

4 **Subtitle A—Definitions**

5 **SEC. 101. DEFINITIONS RELATING TO SEXUAL ASSAULT,**
 6 **DOMESTIC VIOLENCE, ETC., IN THE MILI-**
 7 **TARY.**

8 (a) IN GENERAL.—Chapter 1 of title 10, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing new section:

11 **“§ 102. Definitions relating to sexual assault, domes-**
 12 **tic violence, etc.**

13 “(a) DEFINITIONS RELATING TO CONDUCT.—The
 14 following definitions apply in this title:

15 “(1) SEXUAL ASSAULT.—The term ‘sexual as-
 16 sault’ has the meaning given that term in section
 17 2003(6) of title I of the Omnibus Crime Control and
 18 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(6)).

19 “(2) DOMESTIC VIOLENCE.—The term ‘domes-
 20 tic violence’ has the meaning given that term in sec-
 21 tion 2003 of title I of the Omnibus Crime Control
 22 and Safe Streets Act of 1968 (42 U.S.C. 3796gg–
 23 2).

24 “(3) FAMILY VIOLENCE.—The term ‘family vio-
 25 lence’ has the meaning given that term in section

1 320(1) of the Family Violence Prevention and Serv-
2 ices Act (42 U.S.C. 10421(1)).

3 “(4) STALKING.—The term ‘stalking’ has the
4 meaning given that term in section 40002(a) of the
5 Violence Against Women Act of 1994 (42 U.S.C.
6 13925(a)).

7 “(5) SEXUAL VIOLENCE.—The term ‘sexual vio-
8 lence’ means any of the following:

9 “(A) Sexual abuse.

10 “(B) Sexual assault.

11 “(C) Sexual battery.

12 “(D) Rape.

13 “(6) SEXUAL HARASSMENT.—The term ‘sexual
14 harassment’ means any conduct involving sexual
15 harassment that—

16 “(A) in the case of conduct of a person
17 who is subject to the provisions of chapter 47
18 of this title (the Uniform Code of Military Jus-
19 tice), comprises a violation of a provision of
20 subchapter X of such chapter (relating to puni-
21 tive articles of such Code) or an applicable reg-
22 ulation, directive, or guideline regarding sexual
23 harassment that is prescribed by the Secretary
24 of Defense or the Secretary of a military de-
25 partment; and

1 “(B) in the case of an employee of the De-
2 partment of Defense or a family member sub-
3 ject to the jurisdiction of the Secretary of De-
4 fense or of the Secretary of a military depart-
5 ment, comprises a violation of a regulation, di-
6 rective, or guideline that is applicable to such
7 employee or family member.

8 “(7) DATING VIOLENCE.—The term ‘dating vio-
9 lence’ means violence committed by a person who is
10 or has been in a social relationship of a romantic or
11 intimate nature with the victim.

12 “(b) DEFINITIONS RELATING TO VICTIMS.—The fol-
13 lowing definitions apply in this title:

14 “(1) VICTIM.—The term ‘victim’ means a per-
15 son who is a victim of sexual assault, domestic vio-
16 lence, family violence, stalking, or sexual misconduct
17 committed—

18 “(A) by or upon a member of the armed
19 forces;

20 “(B) by or upon a family member of a
21 member of the armed forces;

22 “(C) by or upon a person who shares a
23 child in common with a member of the armed
24 forces;

1 “(D) by or upon a person who is cohab-
2 iting with or has cohabited as a spouse with a
3 member of the armed forces;

4 “(E) by or upon a person similarly situ-
5 ated to a spouse of a member of the armed
6 forces; or

7 “(F) by or upon any other person who is
8 protected from the acts of a member of the
9 Armed Forces or an officer or employee of the
10 Department of Defense in the official capacity
11 of that member, officer, or employee.

12 “(2) REPRESENTATIVE OF THE VICTIM.—The
13 term ‘representative of the victim’ means, with re-
14 spect to a victim who is deceased, the person who is
15 listed first among the following (other than a person
16 who is considered a perpetrator with respect to the
17 victim):

18 “(A) The surviving spouse.

19 “(B) A surviving child of the decedent who
20 has attained 18 years of age.

21 “(C) A surviving parent of the decedent.

22 “(D) A surviving adult relative.

23 “(E) The public administrator appointed
24 by a probate court, if one has been appointed.

1 “(3) PARTNER.—The term ‘partner’ means any
2 of the following:

3 “(A) A person who is or has been in a so-
4 cial relationship of a romantic or intimate na-
5 ture with another.

6 “(B) A person who shares a child in com-
7 mon with another person.

8 “(C) A person who is cohabiting with or
9 has cohabited as a spouse by regularly residing
10 in the household.

11 “(D) A person similarly situated to a
12 spouse.

13 “(E) A former spouse.

14 “(c) DEFINITIONS RELATING TO PROGRAMS AND OR-
15 GANIZATIONS.—The following definitions apply in this
16 title:

17 “(1) VICTIMS’ ADVOCATES PROGRAM.—The
18 term ‘victims’ advocates program’ means a program
19 established within a military department pursuant to
20 section 1814(a) of this title.

21 “(2) FAMILY ADVOCACY PROGRAM.—The term
22 ‘family advocacy program’ has the meaning provided
23 in Department of Defense Directive 6400.1, issued
24 by the Office of Family Policy of the Department of
25 Defense established by section 1781 of this title.

1 “(3) VICTIM SERVICES ORGANIZATION.—The
2 term ‘victim services organization’ means an organi-
3 zation (whether public or private) that provides ad-
4 vice, counseling, or assistance to victims of domestic
5 violence, family violence, dating violence, stalking, or
6 sexual assault, or to the families of such victims.

7 “(d) OTHER.—The following definitions apply in this
8 title:

9 “(1) PERSONALLY IDENTIFYING INFORMA-
10 TION.—The term ‘personally identifying information’
11 has the meaning given that term in section 1816(b)
12 of this title.

13 “(2) ELECTRONIC COMMUNICATION.—The term
14 ‘electronic communication’ has the meaning given
15 that term in paragraph (12) of section 2510 of title
16 18.

17 “(3) TRANSITIONAL HOUSING.—The term
18 ‘transitional housing’ includes short-term housing
19 and has the meaning given that term in section
20 424(b) of the McKinney-Vento Homeless Assistance
21 Act (42 U.S.C. 11384(b)).

22 “(4) COMPLAINT.—The term ‘complaint’, with
23 respect to an allegation of family violence, sexual as-
24 sault, stalking, or domestic violence, includes a re-
25 port of such allegation.

1 “(5) MILITARY LAW ENFORCEMENT OFFI-
2 CIAL.—The term ‘military law enforcement official’
3 means a person authorized under regulations gov-
4 erning the armed forces to apprehend persons sub-
5 ject to chapter 47 of this title (the Uniform Code of
6 Military Justice) or to trial thereunder.

7 “(e) PROOF OF RELATIONSHIP.—For purposes of
8 subsection (a)(7) (relating to dating violence) and sub-
9 section (b)(3) (relating to partners), the existence of a re-
10 lationship as described in that subsection shall be deter-
11 mined based on a consideration of—

12 “(1) the length of the relationship;

13 “(2) the type of relationship; and

14 “(3) the frequency of interaction between the
15 persons involved in the relationship.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by adding
18 at the end the following new item:

 “Sec. 102. Definitions relating to sexual assault, domestic violence, etc.”.

19 (c) INCORPORATION FOR THIS ACT.—The provisions
20 of section 102 of title 10, United States Code, as added
21 by subsection (a), apply to the provisions of this Act not
22 enacted as an amendment to such title.

1 **Subtitle B—Office of Victims’ Advo-**
 2 **cate and Department of Defense**
 3 **Interdisciplinary Council**

4 **SEC. 111. OFFICE OF THE VICTIMS’ ADVOCATE.**

5 (a) IN GENERAL.—Part II of subtitle A of title 10,
 6 United States Code, is amended by adding at the end the
 7 following new chapter:

8 **“CHAPTER 90—OFFICE OF THE VICTIMS’**
 9 **ADVOCATE**

“Sec. 1811. Office of the Victims’ Advocate: establishment; Director.

“Sec. 1812. Office of the Victims’ Advocate: responsibilities.

“Sec. 1813. Office of the Victims’ Advocate: comprehensive policy on prevention
 of and response to domestic violence, family violence, sexual as-
 sault and stalking involving members of the Armed Forces and
 their families and partners.

“Sec. 1814. Victims’ advocates programs in the military departments.

“Sec. 1815. Office of the Victims’ Advocate: access.

“Sec. 1816. Office of the Victims’ Advocate: confidentiality.

“Sec. 1817. Office of the Victims’ Advocate: victim protection actions.

“Sec. 1818. Office of the Victims’ Advocate: victims advocates whistleblower
 protections.

“Sec. 1819. Office of the Victims’ Advocate: annual assessment.

“Sec. 1820. Office of the Victims’ Advocate: annual report.

“Sec. 1821. Requirements on use of funds.

10 **“§ 1811. Office of the Victims’ Advocate: establish-**
 11 **ment; Director**

12 “(a) ESTABLISHMENT.—There is in the Office of the
 13 Secretary of Defense an Office of the Victims’ Advocate
 14 (hereinafter in this chapter referred to as the ‘Office’).

15 “(b) DIRECTOR.—(1) The head of the Office is a Di-
 16 rector, who shall be a person with knowledge of victims’
 17 rights, advocacy, social services, and Federal, State, and
 18 military systems. The Director shall oversee the victims’

1 advocate programs and the family advocacy programs of
2 the Department of Defense.

3 “(2) The Director shall be a person who is qualified
4 by training and expertise to perform the responsibilities
5 of the Director and who has a significant level of experi-
6 ence in advocacy for victims of sexual assault, domestic
7 violence, family violence, and stalking.

8 “(3) The position of Director is a Senior Executive
9 Service position. The Secretary of Defense shall designate
10 the position as a career reserved position under section
11 3132(b) of title 5.

12 “(4) The Secretary of Defense shall consult with the
13 interdisciplinary council established under section 185 of
14 this title in the appointment of the Director.

15 “(c) VICTIMS ADVOCATES.—(1) Victims advocates
16 shall be assigned to, employed by, or contracted for by
17 the Director and shall be assigned to the Director.

18 “(2) Victim advocates shall be qualified by training,
19 expertise, and certification to perform the responsibilities
20 of the position and possessing a significant level of knowl-
21 edge relative to the armed forces and experience in advo-
22 cacy for victims of sexual assault, domestic violence, fam-
23 ily violence, and stalking.

24 “(3) The victim advocates report to the Director or
25 to the Director’s designee within the Office.

1 **“§ 1812. Office of the Victims’ Advocate: responsibil-**
2 **ities**

3 “(a) GENERAL FUNCTIONS.—(1) The Office shall fa-
4 cilitate access to services for victims of domestic violence,
5 family violence, sexual assault, and stalking.

6 “(2) The Office shall provide for victim advocates in
7 the Department of Defense for purposes of victims’ advo-
8 cates programs of the Department. Victims advocates may
9 be Department of Defense employees or contractor em-
10 ployees. The Director shall ensure that victim advocates
11 receive or have received specialized training in the coun-
12 seling and support of victims.

13 “(b) QUALIFICATIONS OF VICTIM ADVOCATES.—In
14 order to be employed as a victim advocate by the Depart-
15 ment of Defense or under a contract with the Department
16 of Defense, an individual—

17 “(1) must have a degree in counseling or a re-
18 lated field or have one year of counseling experience,
19 at least six months of which must have been in the
20 counseling of sexual assault or domestic violence vic-
21 tims; and

22 “(2) must have had at least 60 hours of train-
23 ing as specified by regulations prescribed by the Di-
24 rector, including training in the following areas:

25 “(A) History of domestic violence and sex-
26 ual assault.

1 “(B) Civil, criminal, and military law as it
2 relates to domestic violence and sexual assault.

3 “(C) Societal attitudes.

4 “(D) Peer counseling techniques.

5 “(E) Housing.

6 “(F) Public and private assistance avail-
7 able to victims.

8 “(G) Financial resources for victims.

9 “(H) Safety and protection resources for
10 victims.

11 “(I) Victim and transitional compensation.

12 “(J) Benefits.

13 “(K) Referral services available to victims.

14 “(L) Military culture and an under-
15 standing of how to operate within a military
16 chain of command.

17 “(c) HEALTH CARE ASSISTANCE.—Upon request of
18 a victim of domestic violence, family violence, sexual as-
19 sault, or stalking, the Director shall assist the victim in
20 obtaining from any facility of the uniformed services or
21 any other health care facility of the United States or, by
22 contract, from any other source, medical services, coun-
23 seling, and other mental health services appropriate for
24 treatment of injuries resulting from the domestic violence,

1 family violence, sexual assault, or stalking, as otherwise
2 authorized by law, including—

3 “(1) rape evidence kits;

4 “(2) DNA testing;

5 “(3) sexually transmitted diseases screening and
6 treatment, including Hepatitis B and Hepatitis C screen-
7 ing and treatment;

8 “(4) HIV screening and treatment;

9 “(5) pregnancy testing;

10 “(6) methods of pregnancy prevention approved by
11 the Food and Drug Administration;

12 “(7) reproductive health services; and

13 “(8) other mental and physiological results of the do-
14 mestic violence, sexual assault, or stalking.

15 “(d) GENERAL COORDINATION FUNCTIONS.—The
16 Director shall coordinate programs and activities of the
17 military departments relative to services and treatment for
18 victims of domestic violence, family violence, sexual as-
19 sault, and stalking.

20 “(e) EVALUATION AND REVIEW RESPONSIBIL-
21 ITIES.—The Director shall carry out the following ongoing
22 evaluations and reviews:

23 “(1) Evaluation of the policies and protocols es-
24 tablished by the military departments providing serv-
25 ices and treatment referred to in subsection (e), with

1 a view towards the rights of victims of domestic vio-
2 lence, family violence, sexual assault, and stalking.

3 “(2) Evaluation of the programs established by
4 the military departments providing services to vic-
5 tims of domestic violence, family violence, sexual as-
6 sault, and stalking.

7 “(3) Evaluation of the delivery of services of
8 the military departments that provide services and
9 treatment to victims of domestic violence, family vio-
10 lence, sexual assault, and stalking through funds
11 provided by the Department of Defense, Department
12 of Justice, or Department of Health and Human
13 Services.

14 “(4) Annual review of the facilities of the De-
15 partment of Defense providing services to victims of
16 domestic violence, family violence, sexual assault, or
17 stalking.

18 “(5) Annual review of the National Domestic
19 Violence Hotline, the National Sexual Assault Hot-
20 line, and the American Women Overseas Hotline rel-
21 ative to projects for military personnel, families, and
22 partners and for victims of domestic violence, family
23 violence, sexual assault, or stalking.

24 “(6) Annual review of the victim witness assist-
25 ance programs within the Department of Defense.

1 “(7) Review of information from an individual
2 (and of any investigation resulting from the submis-
3 sion of such information) indicating that a victim
4 may be in need of, or would benefit from, assistance
5 from a victim advocate.

6 “(f) EDUCATION AND TRAINING RESPONSIBIL-
7 ITIES.—(1) The Director shall conduct, or provide for the
8 conduct of, training and shall provide technical assistance
9 related to domestic violence, family violence, sexual as-
10 sault, and stalking within the military departments. Such
11 training shall be mandatory, as prescribed by the Director,
12 except to the extent necessary due to military exigencies.

13 “(2) The Director shall develop curricula for manda-
14 tory training of personnel, including first responders, secu-
15 rity forces, law enforcement, medical personnel, command
16 staff, military justice personnel, and military criminal in-
17 vestigators.

18 “(3) The Director shall conduct education and out-
19 reach programs. Such programs shall include the develop-
20 ment and distribution of brochures, booklets, posters, and
21 handbooks outlining hotlines, services, contact informa-
22 tion, policies, and protocols for victims.

1 **“§ 1813. Office of the Victims’ Advocate: comprehen-**
2 **sive policy on prevention of and response**
3 **to domestic violence, family violence, sex-**
4 **ual assault and stalking involving mem-**
5 **bers of the Armed Forces and their fami-**
6 **lies and partners**

7 “(a) RESPONSIBILITY.—The Secretary of Defense,
8 acting through the Director of the Office, shall implement
9 the comprehensive policy developed pursuant to subsection
10 (c), subject to such modifications as the Secretary con-
11 siderers advisable.

12 “(b) APPLICATION OF COMPREHENSIVE POLICY TO
13 MILITARY DEPARTMENTS.—The Secretary shall ensure
14 that, to the maximum extent practicable, the policy imple-
15 mented pursuant to subsection (a) is implemented uni-
16 formly by the Secretaries of the military departments.

17 “(c) POLICY.—(1) The Director shall recommend to
18 the Secretary of Defense a comprehensive policy on pre-
19 vention of and response to domestic violence, family vio-
20 lence, sexual assault and stalking involving members of
21 the armed forces and their families and partners. The
22 comprehensive policy should be as uniform as practicable
23 throughout the Department of Defense and shall, to the
24 extent feasible, incorporate and strengthen policies pre-
25 viously in existence.

1 “(2) To the extent feasible, the comprehensive policy
2 shall set forth policies and procedures with respect to each
3 of domestic violence, family violence, sexual assault, and
4 stalking in each of the following areas:

5 “(A) Prevention measures.

6 “(B) Education and training on prevention and
7 response.

8 “(C) Investigation of complaints by command
9 and law enforcement personnel.

10 “(D) Medical treatment of victims.

11 “(E) Confidential reporting of incidents.

12 “(F) Victim advocacy and response.

13 “(G) Oversight by commanders of administra-
14 tive and disciplinary actions in response to substan-
15 tiated incidents.

16 “(H) Disposition of victims, including review by
17 appropriate authority of administrative separation
18 actions involving victims.

19 “(I) Disposition of members of the armed
20 forces accused of domestic violence, family violence,
21 sexual assault, or stalking.

22 “(J) Liaison and collaboration with civilian
23 agencies on the provision of services to victims.

24 “(K) Uniform collection of data on the inci-
25 dence of complaints of domestic violence, family vio-

1 lence, sexual assault, and stalking and on discipli-
2 nary actions taken in those cases, with such data to
3 be disaggregated by service and by major installa-
4 tion.

5 “(3) The comprehensive policy shall include for each
6 of the military departments the following:

7 “(A) A program to promote awareness of the
8 incidence of domestic violence, family violence, sex-
9 ual assault, and stalking involving members of the
10 armed forces.

11 “(B) A program to provide victim advocacy and
12 intervention for members of the armed forces who
13 are victims of domestic violence, family violence, sex-
14 ual assault, and stalking, which program shall make
15 available, at military installations and in deployed lo-
16 cations, victims advocates who are readily available
17 to intervene on behalf of such victims.

18 “(C) Procedures for members of the armed
19 forces to follow in the case of an incident of domes-
20 tic violence, family violence, sexual assault, or stalk-
21 ing involving a member of the armed forces, includ-
22 ing—

23 “(i) procedures for confidential reporting
24 and for seeking services with victim advocates;

1 “(ii) specification of the person or persons
2 to whom the alleged offense should be reported;

3 “(iii) specification of any other person
4 whom the victim should contact; and

5 “(iv) procedures for the preservation of
6 evidence.

7 “(D) Procedures for disciplinary action in cases
8 of domestic violence, family violence, sexual assault,
9 and stalking by members of the armed forces.

10 “(E) Other sanctions authorized to be imposed
11 in cases of sexual assault by members of the armed
12 forces.

13 “(F) Training for all members of the armed
14 forces, including specific training for members of the
15 armed forces who process allegations of domestic vi-
16 olence, family violence, sexual assault, and stalking
17 committed by or upon members of the armed forces.

18 “(G) Any other matter that the Secretary of
19 Defense, in consultation with the Director of the Of-
20 fice of the Victims’ Advocate, considers appropriate.

21 “(d) RECOMMENDATIONS.—The Director shall from
22 time to time recommend to the Secretary of Defense revi-
23 sions to Department of Defense policies, personnel, and
24 procedures for dealing with domestic violence, family vio-
25 lence, sexual assault, and stalking based on evaluations

1 carried out under section 1818(b) of this title and as the
 2 Director considers appropriate.

3 “(e) PROCEDURES TO PROTECT CONFIDENTIAL
 4 COMMUNICATIONS.—The Director shall establish proce-
 5 dures to implement the protection of confidential commu-
 6 nications provided under section 1816 of this title.

7 **“§ 1814. Victims’ advocates programs in the military**
 8 **departments**

9 “(a) ESTABLISHMENT.—(1) The Secretary of De-
 10 fense, acting through the Director of the Office, shall re-
 11 quire that policies and regulations of the Department of
 12 Defense with respect to the programs of the Department
 13 of Defense specified in paragraph (2) provide within each
 14 of the military departments a victims’ advocates program.

15 “(2) Programs referred to in paragraph (1) are the
 16 following:

17 “(A) Victim and witness assistance programs.

18 “(B) Family advocacy programs.

19 “(C) Equal opportunity programs.

20 “(3) In the case of the Department of the Navy, sepa-
 21 rate victims’ advocates programs shall be established for
 22 the Navy and for the Marine Corps.

23 “(b) PURPOSE.—A victims’ advocates program estab-
 24 lished pursuant to subsection (a) shall provide assistance
 25 described in subsection (d) to members of the armed

1 forces and their family members and partners who are vic-
2 tims of any of the following:

3 “(1) Crime.

4 “(2) Sexual, physical, or emotional abuse.

5 “(3) Discrimination or harassment based on
6 race, gender, ethnic background, national origin, or
7 religion.

8 “(c) ASSISTANCE.—(1) Under a victims’ advocates
9 program established under subsection (a), individuals
10 working in the program shall principally serve the inter-
11 ests of a victim by initiating action to provide the fol-
12 lowing:

13 “(A) Crisis intervention.

14 “(B) Screening and evaluation of the needs of
15 victims of domestic violence, family violence, sexual
16 assault, and stalking.

17 “(C) Information on safe and confidential ways
18 to seek assistance to address domestic violence, fam-
19 ily violence, sexual assault, and stalking.

20 “(D) Information on available services within
21 the military departments and civilian communities.

22 “(E) Assistance in obtaining the services re-
23 ferred to in subparagraph (D), including medical
24 treatment for injuries.

1 “(F) Appropriate referrals to military and civil-
2 ian community-based domestic violence programs
3 and sexual assault victim service providers with the
4 capacity to support servicemembers, family mem-
5 bers, or partners.

6 “(G) Information on legal rights and resources
7 for personnel, family members, or partners in both
8 the military and civilian programs.

9 “(H) Development and coordination of a safety
10 plan with appropriate assistance and intervention
11 components including, law enforcement, command,
12 and Family Advocacy Program.

13 “(I) Advocacy for victims specified in subsection
14 (b), including assistance in obtaining and entering
15 no contact orders from military commands or orders
16 of protection from a court of appropriate jurisdic-
17 tion, respectively.

18 “(J) Information on benefits, including Depart-
19 ment of Defense transitional compensation, victims
20 of crime compensation, and veterans’ benefits.

21 “(K) Coordination among services, including
22 medical, legal, and psychological counseling.

23 “(L) Education.

24 “(M) Transportation.

25 “(N) Pre-trial, trial, and post-trial support.

1 “(2) Under a victims’ advocates program established
2 under subsection (a), an individual working in the pro-
3 gram as a victim advocate shall carry out the following
4 functions:

5 “(A) Serve as a voting member of the case re-
6 view committee of the Department of Defense for
7 any case to which the victim advocate is assigned.

8 “(B) Serve as a liaison with civilian community-
9 based service providers.

10 “(C) Provide for confidential handling of all
11 documents or conversations relative to victim care,
12 services, benefits, and treatment.

13 “(D) Provide advocacy for the expressed inter-
14 est and safety of a victim during testimony in a
15 court-martial or civilian judicial system.

16 “(E) Provide follow-up to all identified victims
17 (including those who have declined services) three
18 months following initial contact to ascertain whether
19 further intervention is, or is not, warranted.

20 “(F) Provide other appropriate assistance.

21 “(3) Services under such a program in the case of
22 an individual who is a victim of family violence (including
23 sexual, physical, and emotional abuse) shall be provided
24 principally through the Office.

1 “(d) STAFFING.—The Secretary of Defense, acting
2 through the Director of the Office, shall provide for the
3 assignment of personnel (military or civilian) on a full-
4 time basis to victims’ advocates programs established
5 under subsection (a). The Secretary, acting through the
6 Director, shall ensure that sufficient numbers of such full-
7 time personnel are assigned to those programs to enable
8 the programs to be carried out effectively, including the
9 assignment of victim advocates to deployed units.

10 **“§ 1815. Office of the Victims’ Advocate: access**

11 “(a) ACCESS TO SENIOR OFFICIALS.—The Director
12 of the Office shall have direct and prompt access to any
13 of the following when necessary for any purpose pertaining
14 to the performance of the Director’s duties:

15 “(1) The Judge Advocate General of the Army,
16 Navy, or Air Force or the Staff Judge Advocate to
17 the Commandant of the Marine Corps.

18 “(2) The Surgeon General of the Army, Navy,
19 or the Air Force.

20 “(3) The Chief of Chaplains of the Army, Navy,
21 or the Air Force.

22 “(4) The senior general or flag officer of one of
23 the Armed Forces with responsibility specifically for
24 personnel.

1 “(b) ACCESS TO INFORMATION.—The Director shall
2 have direct and prompt access to the following:

3 “(1) The name and location of a victim receiv-
4 ing services, treatment, or other assistance under
5 the jurisdiction of a military department.

6 “(2) Any written report of sexual assault, sex-
7 ual misconduct, domestic violence, family violence, or
8 stalking prepared by a military department.

9 “(3) Victim case files, subject to the informed,
10 written, and time-sensitive authorization of the vic-
11 tim, in records of law enforcement, criminal inves-
12 tigative organizations, health care providers, and
13 command and Family Advocacy Programs, as may
14 be necessary to carry out the responsibilities of the
15 Office.

16 “(c) FAILURE TO PROVIDE AUTHORIZATION.—The
17 failure of a victim to provide authorization under sub-
18 section (b)(3) shall not interfere with a case moving for-
19 ward.

20 “(d) CONFIDENTIALITY.—To the extent that any in-
21 formation covered by subsection (b) provides the name and
22 address of an individual who is the subject of a confiden-
23 tial proceeding, that name and address (and related infor-
24 mation that has the effect of identifying that individual)

1 may not be released to the public without the informed
2 written consent of such individual.

3 **“§ 1816. Office of the Victims’ Advocate: confiden-**
4 **tiality**

5 “(a) CONFIDENTIALITY.—(1) Except as provided in
6 paragraph (2), in order to ensure the safety of victims of
7 domestic violence, family violence, sexual assault, sexual
8 misconduct, or stalking and their families, the Director
9 shall protect the confidentiality and privacy of persons re-
10 ceiving services. The Director may not disclose any per-
11 sonally identifying information or individual information
12 collected in connection with services requested, used, or
13 denied through its programs. The Director may not reveal
14 individual victim information without the informed, writ-
15 ten, reasonably time-limited consent of the person (or in
16 the case of unemancipated minor, the minor and the par-
17 ent or guardian) about whom information is sought.

18 “(2) If release of information referred to in para-
19 graph (1) is compelled by law or by court order, the Direc-
20 tor shall make reasonable attempts to provide notice to
21 victims affected by the disclosure of the information. If
22 such personally identifying information is or will be re-
23 vealed, the Director shall take steps necessary to protect
24 the privacy and safety of the persons affected by the re-
25 lease of the information.

1 “(3) The Director may share nonpersonally identi-
2 fying data in the aggregate regarding services to victims
3 and nonpersonally identifying demographic information in
4 order to comply with reporting, evaluation, or data collec-
5 tion requirements of the armed forces or of Federal, State,
6 or local or tribal government or the government of the Dis-
7 trict of Columbia or any territory or commonwealth.

8 “(4) The Director may share court-generated infor-
9 mation contained in secure, governmental registries for
10 purposes of enforcement of protection orders.

11 “(b) PERSONALLY IDENTIFYING INFORMATION.—In
12 this section, the term ‘personally identifying information’
13 means the following information about an individual:

14 “(1) A first and last name.

15 “(2) A home or other physical address, includ-
16 ing street name and name of city or town.

17 “(3) An email address or other online contact
18 information, such as an instant messaging user iden-
19 tifier or a screen name, that reveals the individual’s
20 email address.

21 “(4) A telephone number.

22 “(5) A Social Security Number.

23 “(6) An Internet Protocol (IP) address or host
24 name that identifies an individual.

1 “(7) A persistent identifier, such as a customer
2 number held in a cookie or processor serial number,
3 that is combined with other available data that iden-
4 tifies an individual.

5 “(8) If the individual is a member or former
6 member of the armed forces—

7 “(A) the status of the individual as a
8 member of an active component or reserve com-
9 ponent or as a veteran;

10 “(B) the individual’s current or most re-
11 cent grade, rate, or rank;

12 “(C) the individual’s current or most re-
13 cent duty station or deployment status; and

14 “(D) the individual’s current or most re-
15 cent unit at a level below regiment (or the
16 equivalent), numbered air force (or the equiva-
17 lent), or numbered fleet (or the equivalent).

18 “(9) Any other information, including grade
19 point average, date of birth, academic or occupa-
20 tional assignments or interests, athletic or extra-
21 curricular interests, racial or ethnic background, or
22 religious affiliation, that, in combination with infor-
23 mation specified in any of paragraphs (1) through
24 (8), would serve to identify an individual.

1 **“§ 1817. Office of the Victims’ Advocate: victim pro-**
2 **tection actions**

3 “(a) ORDERS OF PROTECTION.—The Director of the
4 Office of the Victims’ Advocate, when authorized by a vic-
5 tim of sexual misconduct, sexual assault, family violence,
6 domestic violence, or stalking, shall assist the victim in
7 obtaining from any military command a military no-con-
8 tact order or from a court of appropriate jurisdiction an
9 order of protection, respectively, to safeguard the victim
10 from additional physical or emotional harm.

11 “(b) REMOVAL OF AN ALLEGED OFFENDER.—If the
12 Director determines that it is appropriate to do so in order
13 to ensure the safety of a victim, the Director may request
14 from the appropriate commanding officer an order for the
15 relocation or reassignment of an alleged offender who is
16 a member of the armed forces during an investigation, dis-
17 ciplinary action, or court-martial in order to ensure the
18 safety of a victim.

19 **“§ 1818. Office of the Victims’ Advocate: victims advo-**
20 **cates whistleblower protections**

21 “(a) WHISTLEBLOWER PROTECTIONS.—(1) No per-
22 son may restrict a victim advocate within the Department
23 of Defense in communicating with a victim or survivor of
24 domestic violence, sexual assault, family violence, or stalk-
25 ing.

1 “(2) Paragraph (1) does not apply to a communica-
2 tion that is unlawful.

3 “(b) PROHIBITION OF RETALIATORY PERSONNEL
4 ACTIONS.—No person may take or threaten to take an
5 unfavorable personnel action, or withhold or threaten to
6 withhold a favorable personnel action, against a victim ad-
7 vocate as a reprisal for—

8 “(1) providing services to victims and survivors
9 of domestic violence, sexual assault, family violence,
10 intimate partner violence, or stalking;

11 “(2) a communication to a Member of Congress
12 or an Inspector General;

13 “(3) a communication with a military law en-
14 forcement officer or official, a military criminal in-
15 vestigator, a judge advocate, or an officer in the
16 chain of command;

17 “(4) a communication with civilian law enforce-
18 ment, county, State, or United States attorneys,
19 court officials, probation officers, or victim service
20 providers; or

21 “(5) any other person or organization, including
22 any person or organization in the chain of command,
23 in the course of providing services to a victim or sur-
24 vivor.

1 “(c) PROHIBITED PERSONNEL ACTIONS.—Any ac-
2 tion prohibited by subsection (b), including the threat to
3 take any unfavorable action and the withholding or threat
4 to withhold any favorable action, shall be considered for
5 the purposes of this section to be a personnel action pro-
6 hibited by this section.

7 “(d) INVESTIGATION OF ALLEGATIONS OF PROHIB-
8 ITED PERSONNEL ACTIONS.—(1) If a victim advocate
9 submits to an Inspector General an allegation that a per-
10 sonnel action prohibited by subsection (b) has been taken
11 or threatened against the victim advocate with respect to
12 a communication described in paragraph (2), the Inspec-
13 tor General shall take the action required in this section.

14 “(2) A communication described in this paragraph is
15 a communication in which the victim advocate reasonably
16 believes constitutes evidence of any of the following:

17 “(A) A violation of law or regulation, including
18 a law or regulation prohibiting domestic violence,
19 sexual assault, family violence, or stalking.

20 “(B) Gross mismanagement, an abuse of au-
21 thority, or a substantial danger to community safety
22 or public health.

23 “(3)(A) If the Inspector General receiving such an
24 allegation is an Inspector General within a military de-
25 partment, that Inspector General shall promptly notify the

1 Inspector General of the Department of Defense of the
2 allegation. Such notification shall be made in accordance
3 with regulations prescribed under subsection (e).

4 “(B) An Inspector General of the Department of De-
5 fense receiving an allegation as described in this section
6 shall expeditiously determine, in accordance with regula-
7 tions prescribed under subsection (e), whether there is suf-
8 ficient evidence to warrant an investigation of the allega-
9 tion.

10 “(C) Upon determining that an investigation of an
11 allegation under this section is warranted, the Inspector
12 General making the determination shall expeditiously in-
13 vestigate the allegation.

14 “(4) The Inspector General of the Department of De-
15 fense shall ensure that the Inspector General conducting
16 the investigation of an allegation under this subsection is
17 outside the immediate chain of command of both the vic-
18 tim advocate submitting the allegation and the individual
19 or individuals alleged to have taken the retaliatory action.

20 “(5) Upon receiving an allegation under this sub-
21 section, the Inspector General shall conduct a separate in-
22 vestigation of the information that the victim advocate
23 making the allegation believes constitutes evidence of
24 wrongdoing as described in subparagraph (A) or (B) of
25 paragraph (2) if there previously has not been such an

1 investigation or if the Inspector General determines that
2 the original investigation was biased or otherwise inad-
3 equate.

4 “(6)(A) After completion of an investigation under
5 paragraphs (3), (4), or (5), the Inspector General con-
6 ducting the investigation shall submit a report on the re-
7 sults of the investigation to the Secretary of Defense and
8 the Director of the Office of the Victims’ Advocate and
9 shall transmit a copy of the report on the results of the
10 investigation to the victim advocate who made the allega-
11 tion investigated. The report shall be transmitted to the
12 Secretary of Defense and the Director of the Office of the
13 Victims’ Advocate, and the copy of the report shall be
14 transmitted to the victim advocate, not later than 30 days
15 after the completion of the investigation.

16 “(B) In the copy of the report transmitted to the vic-
17 tim advocate, the Inspector General shall ensure that the
18 maximum disclosure of information possible, with the ex-
19 ception of information that is not required to be disclosed
20 under section 552 of title 5. However, the copy need not
21 include summaries of interviews conducted, nor any docu-
22 ment acquired, during the course of the investigation.
23 Such items shall be transmitted to the victim advocate,
24 if the victim advocate requests the items, with the copy
25 of the report or after the transmittal to the victim advo-

1 cate of the copy of the report, regardless of whether the
2 request for those items is made before or after the copy
3 of the report is transmitted to the victim advocate.

4 “(C) If, in the course of an investigation of an allega-
5 tion under this section, the Inspector General determines
6 that it is not possible to submit the report required by
7 subparagraph (A) within 180 days after the date of receipt
8 of the allegation being investigated, the Inspector General
9 shall provide to the Secretary of Defense and to the victim
10 advocate making the allegation a notice—

11 “(i) of that determination including the reasons
12 why the report may not be submitted within that
13 time; and

14 “(ii) of the time when the report will be sub-
15 mitted.

16 “(D) The report on the results of the investigation
17 shall contain a thorough review of the facts and cir-
18 cumstances relevant to the allegation and the complaint
19 or disclosure and shall include documents acquired during
20 the course of the investigation, including summaries of
21 interviews conducted. The report may include a rec-
22 ommendation as to the disposition of the complaint.

23 “(e) REGULATIONS.—(1) The Secretary of Defense
24 shall prescribe regulations to carry out this section. In pre-
25 scribing regulations under this section, the Secretary of

1 Defense shall provide for appropriate procedural protec-
 2 tions for the subject of any investigation carried out under
 3 the provisions of this section, including a process of appeal
 4 and review of investigative findings.

5 “(2) The Secretary shall provide in the regulations
 6 that a violation of the prohibition by a person subject to
 7 chapter 47 of this title is punishable as a violation of sec-
 8 tion 892 of this title (article 92 of the Uniform Code of
 9 Military Justice).

10 **“§ 1819. Office of the Victims’ Advocate: annual as-**
 11 **essment**

12 “(a) DATA COMPLIANCE AND REPORTING.—The Di-
 13 rector of the Office of the Victims’ Advocate shall annually
 14 compile data collected during the preceding year by the
 15 military departments relating to incidents of domestic vio-
 16 lence, family violence, sexual assault, and stalking. The
 17 data shall be compiled pursuant to policies set forth by
 18 the Director.

19 “(b) ASSESSMENT OF POLICIES AND PROCE-
 20 DURES.—Not later than January 15 each year, the Direc-
 21 tor shall conduct an assessment of the implementation
 22 during the preceding fiscal year of the policies and proce-
 23 dures of the military departments on the prevention of and
 24 response to domestic violence, family violence, sexual as-
 25 sault, and stalking involving members of the armed forces

1 in order to determine the effectiveness of such policies and
2 procedures during such fiscal year.

3 “(c) PERSONNEL ANALYSIS.—The annual assess-
4 ment under subsection (b) shall include a review of per-
5 sonnel, including staffing levels, assignments, accessibility,
6 availability, training, and duties of victim advocates, vic-
7 tim witness liaisons, sexual assault nurse examiners, and
8 others considered appropriate by the Director assigned to
9 assist victims of domestic violence, sexual assault, family
10 violence, and stalking. The assessment shall include a re-
11 view of personnel assigned to deployed units, along with
12 recommendations to enhance availability, accessibility, and
13 training for such personnel.

14 “(d) ASSESSMENT OF STATUTES AND DIRECTIVES.—
15 In order to enhance the foundation of law and policy with-
16 in the military departments in response to domestic vio-
17 lence, family violence, sexual assault, and stalking, the an-
18 nual assessment under subsection (b) shall include a re-
19 view of—

20 “(1) chapter 47 of this title (the Uniform Code
21 of Military Justice), the provisions of law in force at
22 the time of the assessment that were originally en-
23 acted by the Victims’ Rights and Restitution Act or
24 the Violence Against Women Act, and other Federal

1 statutes applicable to domestic violence, sexual as-
2 sault, family violence, and stalking;

3 “(2) directives of the military departments; and

4 “(3) regulations of the military departments
5 considered appropriate by the Director.

6 **“§ 1820. Office of the Victims’ Advocate: annual re-**
7 **port**

8 “(a) ANNUAL REPORT.—(1) Not later than January
9 15 of each year, the Director shall submit to the Secretary
10 of Defense a report on domestic violence, family violence,
11 sexual assault, and stalking involving members of the
12 Armed Forces during the preceding year.

13 “(2) Each report under paragraph (1) shall include
14 the following:

15 “(A) The most recent compilation of data under
16 section 1819(a) of this title; together with a com-
17 parison of that data (or subsets of that data) with
18 comparable data from the civilian sector.

19 “(B) The results of the most recent assessment
20 under section 1819(b) of this title.

21 “(C) The number of incidents of domestic vio-
22 lence, family violence, sexual assault, and stalking
23 committed by or upon members of the armed forces
24 that were reported to military officials during the

1 year covered by the report and the number of the
2 cases so reported that were substantiated.

3 “(D) A summary of the types of cases and the
4 disciplinary action taken in each type of case.

5 “(E) The policies, procedures, and processes
6 implemented by the military departments during the
7 year covered by the report in response to incidents
8 of domestic violence, family violence, sexual assault,
9 and stalking involving members of the armed forces.

10 “(F) A plan for the actions that are to be taken
11 in the fiscal year following the fiscal year covered by
12 the report on the prevention of and response to do-
13 mestic violence, family violence, sexual assault, and
14 stalking involving members of the armed forces.

15 “(b) TRANSMISSION OF REPORT TO CONGRESSIONAL
16 COMMITTEES.—The Secretary of Defense shall transmit
17 to the Committee on Armed Services of the Senate and
18 the Committee on Armed Services of the House of Rep-
19 resentatives each annual report submitted to the Secretary
20 under subsection (a), together with the comments of the
21 Secretary on such report. The Secretary shall transmit the
22 report for any year not later than March 15 of the fol-
23 lowing year.

1 **“§ 1821. Requirements on use of funds**

2 “(a) REQUIREMENTS.—Of the amounts appropriated
3 to carry out the functions of the Office for any fiscal year,
4 the Secretary—

5 “(1) shall use not less than 20 percent for pro-
6 grams addressing domestic violence, family violence,
7 sexual assault, and stalking that are operated by, or
8 in partnership with, civilian victim services; and

9 “(2) shall use not less than 5 percent for tech-
10 nical assistance and training to be provided by orga-
11 nizations having demonstrated expertise in devel-
12 oping collaborative community and system responses
13 to domestic violence, family violence, sexual assault,
14 and stalking.

15 “(b) TECHNICAL ASSISTANCE AND TRAINING.—
16 Technical assistance and training under subsection (a)(2)
17 may be offered to the elements of the Armed Forces, in-
18 stallations, or commands in the process of developing com-
19 munity responses, whether they are receiving funds under
20 this section or not.”

21 (b) TRANSITION PROVISIONS.—

22 (1) COMPREHENSIVE POLICY.—The policy re-
23 quired by section 1812(a) of title 10, United States
24 Code, as added by subsection (a), shall be prescribed
25 by the Secretary of Defense not later than the end

1 of the 120-day period beginning on the date of the
2 enactment of this Act.

3 (2) WHISTLEBLOWER PROTECTION REGULA-
4 TIONS.—The regulations required by section 1817(e)
5 of title 10, United States Code, as added by sub-
6 section (a), shall be prescribed by the Secretary of
7 Defense not later than 120 days after the date of
8 the enactment of this Act.

9 (3) FIRST ANNUAL REPORT.—The first report
10 under subsection (a) of section 1819(a) of such title,
11 as added by subsection (a)—

12 (A) shall be submitted to the Secretary of
13 Defense not later than April 1 of the year after
14 the year in which this Act is enacted (notwith-
15 standing the date specified in that subsection);
16 and

17 (B) shall be transmitted by the Secretary
18 to the Committee on Armed Services of the
19 Senate and Committee on Armed Services of
20 the House of Representatives pursuant to sub-
21 section (b) of that section not later than May
22 1 of that year (notwithstanding the date speci-
23 fied in that subsection).

24 (c) CLERICAL AMENDMENTS.—The tables of chap-
25 ters at the beginning of subtitle A, and at the beginning

1 of part II of subtitle A, of title 10, United States Code,
 2 are amended by inserting after the item relating to chap-
 3 ter 88 the following new item:

“90. Office of the Victims’ Advocate 1811”.

4 **SEC. 112. DEPARTMENT OF DEFENSE INTERDISCIPLINARY**
 5 **COUNCIL.**

6 (a) CODIFICATION AND REVISION OF COUNCIL ES-
 7 TABLISHED UNDER PUBLIC LAW 103–337.—

8 (1) IN GENERAL.—Chapter 7 of title 10, United
 9 States Code, is amended by adding at the end the
 10 following new section:

11 **“§ 185. Department of Defense Interdisciplinary**
 12 **Council**

13 “(a) DEPARTMENT OF DEFENSE COUNCIL.—The
 14 Secretary of Defense, in consultation with the Director of
 15 the Office of the Victims’ Advocate of the Department of
 16 Defense, shall establish a Department of Defense inter-
 17 disciplinary council to coordinate and oversee victims’ ad-
 18 vocates programs of the Department of Defense and to
 19 oversee the efforts of the Department of Defense to pre-
 20 vent and respond to violence against women and men.

21 “(b) COMPOSITION.—(1) The Council shall consist of
 22 12 members, appointed by the Secretary of Defense. The
 23 Council shall include members appointed from each of the
 24 Army, Navy, Air Force, and Marine Corps and shall in-
 25 clude an equal number of personnel of the Department

1 of Defense and persons from outside the Department of
2 Defense. The six members appointed as personnel of the
3 Department of Defense may include retired members of
4 the Armed Forces.

5 “(2) The six members appointed from outside the De-
6 partment of Defense may be appointed from other Federal
7 departments and agencies, from State and local agencies,
8 and from the private sector, but may not be members of
9 the Armed Forces in a retired status.

10 “(3) The Secretary shall ensure that membership in-
11 cludes at least one judge advocate.

12 “(4) Each member of the Interdisciplinary Council
13 appointed from outside the Department of Defense—

14 “(A) shall be an individual who has dem-
15 onstrated expertise and experience in the fields of
16 sexual assault, domestic violence, family violence, or
17 stalking, as well as expertise and experience in civil-
18 ian-military cooperation; or

19 “(B) shall be appointed from one of the fol-
20 lowing:

21 “(i) The Centers for Disease Control and
22 Prevention of the Department of Health and
23 Human Services.

24 “(ii) Civilian law enforcement.

25 “(iii) A judicial policy organization.

1 “(iv) A national crime victim organization.

2 “(v) A victim service organization.

3 “(vi) A survivor of domestic violence, sex-
4 ual assault, family violence, or stalking in which
5 the perpetrator was a member of the Armed
6 Forces.

7 “(5) Members of the Interdisciplinary Council shall
8 serve for a period of three years. The membership of the
9 Interdisciplinary Council shall be rotated by composition
10 and appointments as defined in paragraphs (1), (2), and
11 (4) every three years.

12 “(c) CO-CHAIRS.—There shall be two co-chairs of the
13 Interdisciplinary Council. One of the co-chairs shall be
14 designated by the Secretary of Defense at the time of ap-
15 pointment from among the Department of Defense per-
16 sonnel on the Interdisciplinary Council. The other co-chair
17 shall be selected among the members appointed from out-
18 side the Department of Defense by those members.

19 “(d) ADMINISTRATIVE SUPPORT.—(1) Each member
20 of the Interdisciplinary Council who is a member of the
21 Armed Forces or a civilian officer or employee of the
22 United States shall serve without compensation (other
23 than compensation to which entitled as a member of the
24 Armed Forces or an officer or an employee of the United
25 States, as the case may be). Other members of the Inter-

1 disciplinary Council shall be appointed in accordance with,
2 and subject to, section 3161(d) of title 5, but shall serve
3 without pay.

4 “(2) The Director of the Office of the Victims’ Advo-
5 cate, under the direction of the Secretary of Defense, shall
6 provide oversight of the Interdisciplinary Council. The Of-
7 fice of the Victims’ Advocate shall provide the Inter-
8 disciplinary Council with personnel facilities and other ad-
9 ministrative support as necessary for the performance of
10 the Interdisciplinary Council’s duties.

11 “(e) MILITARY DEPARTMENT LIAISONS.—The Sec-
12 retary of each military department shall select a represent-
13 ative of that department to serve as a liaison between the
14 Interdisciplinary Council and that military department.
15 Each such representative shall be responsible for ensur-
16 ing—

17 “(1) that communications made at the Inter-
18 disciplinary Council are transmitted to military per-
19 sonnel; and

20 “(2) that the Interdisciplinary Council is aware
21 of problems in the military departments related to
22 domestic violence, family violence, sexual assault,
23 and stalking.

24 “(f) INSTALLATION VISITS.—The Director of the Of-
25 fice of the Victims’ Advocate shall coordinate with the Sec-

1 retaries of the military departments to provide for visits
2 by members of the Interdisciplinary Council to military in-
3 stallations.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of such chapter is amended
6 by adding at the end the following new item:

“185. Department of Defense Interdisciplinary Council.”.

7 (b) DEADLINE FOR INITIAL APPOINTMENTS.—Mem-
8 bers of the Interdisciplinary Council under section 185 of
9 title 10, United States Code, as added by subsection (a),
10 shall be appointed not later than 90 days after the date
11 of the enactment of this Act.

12 (c) REPORT.—Not later than 18 months after the
13 date on which all members of the Interdisciplinary Council
14 under section 185 of title 10, United States Code, as
15 added by subsection (a), have been appointed, the Inter-
16 disciplinary Council shall submit to the Secretary of De-
17 fense a report recommending specific ways in which the
18 Office of the Victims’ Advocate and victim advocates may
19 more effectively address matters relative to sexual assault,
20 domestic violence, family violence, and stalking committed
21 by or upon servicemembers. The report shall include an
22 assessment of, and recommendations concerning, the fol-
23 lowing:

24 (1) Victim safety programs.

1 (2) Confidentiality of communications for vic-
2 tims.

3 (3) Offender accountability.

4 (4) Prevention of sexual assault, domestic vio-
5 lence, family violence, and stalking.

6 (5) Collaboration among military organizations
7 with responsibility or jurisdiction with respect to
8 sexual assault, domestic violence, family violence,
9 and stalking.

10 (6) Coordination between military and civilian
11 communities including service organizations and law
12 enforcement with respect to sexual assault, domestic
13 violence, family violence and stalking.

14 (7) Adaptation of best professional practices
15 within the civilian communities with respect to sex-
16 ual assault, domestic violence, family violence and
17 stalking.

18 (8) Data collection, case management, and
19 tracking.

20 (9) Curricula and training including standard-
21 ized training for armed forces personnel and commu-
22 nity-based advocates, organizations, and service pro-
23 viders.

24 (10) Standardization of guidelines, directives,
25 and statutes.

1 (11) Other issues identified by the Interdiscipli-
2 nary Council.

3 **SEC. 113. CONFORMING REPEAL.**

4 Section 534 of the National Defense Authorization
5 Act for Fiscal Year 1995 (10 U.S.C. 113 note) is repealed.

6 **Subtitle C—National and Inter-**
7 **national Hotlines Awareness,**
8 **Prevention, and Intervention**
9 **Campaign**

10 **SEC. 121. AWARENESS, PREVENTION, AND INTERVENTION**
11 **CAMPAIGN.**

12 (a) CONTRACTS AUTHORIZED.—The Secretary of De-
13 fense, acting through the Director of the Office of the Vic-
14 tims' Advocate, may enter into contracts with appropriate
15 entities to support the crisis intervention services of the
16 Department of Defense for victims of domestic violence,
17 sexual assault, family violence, and stalking in the Depart-
18 ment of Defense.

19 (b) PURPOSE OF CONTRACT.—A contract under sub-
20 section (a) shall provide for the entity awarded the con-
21 tract to perform the following functions, to the extent pro-
22 vided in the contract:

23 (1) Include in the services provided under the
24 contract the availability of a toll-free telephone num-
25 ber (commonly referred to as an “800” number).

1 (2) Ensure that information about services and
2 resources available to military personnel, families,
3 and partners—

4 (A) is revised and updated as appropriate;

5 (B) is made available to the Office of the
6 Victims' Advocate and other Department of De-
7 fense entities for distribution and posting at ap-
8 propriate facilities within the Department of
9 Defense; and

10 (C) is made available through appropriate
11 public information services.

12 (3) Provide free and confidential support serv-
13 ices for members of the Armed Forces and their
14 families and partners for the purpose of developing
15 and strengthening prevention and intervention poli-
16 cies for assistance to servicemembers, family mem-
17 bers, and partners experiencing domestic violence,
18 family violence, sexual assault, and stalking.

19 (4) Develop and implement policies regarding
20 appropriate, safe responses and referral procedures
21 for servicemembers, family members, and partners
22 experiencing domestic violence, family violence, sex-
23 ual assault, and stalking.

24 (5) Provide linguistically and culturally appro-
25 priate services, or linkages to existing services in the

1 community, as needed to address the needs of vic-
2 tims and survivors associated with the Armed
3 Forces.

4 (6) Provide the necessary staffing for respond-
5 ing to the needs of servicemembers, family members,
6 and partners who are experiencing domestic violence,
7 family violence, sexual assault, or stalking, such as
8 a resource person or liaison who is either on-site or
9 on-call and who possesses demonstrated experience
10 as a service provider to victims associated with the
11 Armed Forces.

12 (c) APPLICATIONS.—

13 (1) IN GENERAL.—An entity that desires to re-
14 ceive a contract under this section shall submit to
15 the Secretary an application at such time, in such
16 manner, and containing such information as the Sec-
17 retary may require, consistent with the requirements
18 in this section.

19 (2) QUALIFICATIONS.—To be awarded such a
20 contract, an entity must demonstrate in its applica-
21 tion under paragraph (1) that it has a history or ex-
22 perience that is relevant to the purposes of the con-
23 tract.

24 (d) CONSIDERATIONS.—(1) In providing information
25 on services, resources, counseling, and advocacy available

1 to members of the Armed Forces and their family mem-
2 bers and partners, the Secretary shall ensure that the per-
3 sonnel who provide assistance under this section are
4 trained to provide to persons who have experienced sexual
5 assault, domestic violence, family violence, and stalking in-
6 formation about the services, care, and treatment relating
7 to domestic violence, family violence, sexual assault, and
8 stalking available in the communities in which the victim
9 resides, including care and services available under pro-
10 grams of the Department of Defense and the Department
11 of Veterans Affairs and from non-military and non-veteran
12 agencies and organizations.

13 (2) The Secretary shall ensure that the telephone as-
14 sistance service shall be operated in a manner that pro-
15 tects the confidentiality of persons who place a call to the
16 service.

17 (3) The Secretary shall ensure that the telephone as-
18 sistance service provides immediate access to a trained
19 counselor. The Secretary may not utilize call-back services
20 or answering services.

21 (4) The Secretary shall ensure that information about
22 the availability of the telephone assistance service is visibly
23 posted in medical facilities, commissary and exchange fa-
24 cilities, and Family Advocacy Program and Victims' Advo-
25 cate Program facilities of the Department and is adver-

1 tised through public service announcements and pam-
2 phlets, and by other means.

3 (e) DURATION OF CONTRACT.—The Secretary shall
4 enter into any contract under this section for a period of
5 one year. The contract may be renewed.

6 (f) CONFIDENTIALITY.—The Secretary shall include
7 in a contract under this section confidentiality provisions
8 based on the provisions of section 1816(a) of title 10,
9 United States Code, as added by section 111.

10 (g) NONSUPPLANTATION.—Any Federal funds re-
11 ceived under this section shall be used to supplement, and
12 not to supplant, non-Federal funds that would otherwise
13 be available for activities funded under this section.

14 (h) NO MATCHING FUNDS.—For the purposes of this
15 section, a nonprofit, nongovernmental victim services pro-
16 gram receiving funds under this section may not be re-
17 quired as a condition of receiving an award of a contract
18 under this section to provide matching funds.

19 (i) REPORTS.—An entity receiving funds under this
20 section shall submit to the Secretary every six months a
21 report that describes—

22 (1) how the funds were used, including the ex-
23 tent to which members of the Armed Forces and
24 their family members and partners were provided

1 services and a description of the services provided,
 2 including the number of cases responded to;

3 (2) the adequacy of staff training and services
 4 to meet the needs of members of the Armed Forces
 5 and their family members and partners for services
 6 under the contract; and

7 (3) the existence of barriers faced by the entity
 8 to address the needs of members of the Armed
 9 Forces and their family members and partners.

10 **Subtitle D—Prevention and** 11 **Intervention Training**

12 **SEC. 131. PREVENTION AND INTERVENTION TRAINING** 13 **CONTRACTS.**

14 (a) AWARDS AUTHORIZED.—

15 (1) IN GENERAL.—The Secretary of Defense,
 16 acting through the Director of the Office of the Vic-
 17 tims’ Advocate, shall enter into contracts under this
 18 section with eligible entities for the purposes of pro-
 19 viding training and technical assistance to the De-
 20 partment of Defense relative to prevention of domes-
 21 tic violence, sexual assault, family violence, and
 22 stalking.

23 (2) DEFINITIONS.—In this section, the term
 24 “eligible entity” means an entity that is—

(A) a public or nonprofit private organization having demonstrated expertise in prevention, intervention, developing community collaboration, and system response to domestic violence, sexual assault, family violence, and stalking; or

(B) a community-based organization experienced in providing services to servicemembers, family members, or partners who experience domestic violence, sexual assault, family violence, or stalking.

(b) USES OF FUNDS.—An entity awarded a contract pursuant to subsection (a) shall—

(1) provide training in the dynamics of domestic violence, sexual assault, family violence, and stalking, including safety, risk assessment, potential lethality, and appropriate interventions;

(2) provide education programs for servicemembers, family members, or partners that are linguistically and culturally appropriate and are designed to meet any unique needs of the population by adapting and implementing existing curricula;

(3) provide media center materials and educational materials to the population that address the needs and concerns of servicemembers, family mem-

1 bers, or partners who experience domestic violence,
2 sexual assault, or stalking and the impact of the vio-
3 lence by identifying, adapting, and disseminating ap-
4 propriate existing materials; and

5 (4) conduct evaluations to assess the impact of
6 programs and policies assisted under this section in
7 order to enhance the development of those programs.

8 (c) APPLICATION.—

9 (1) IN GENERAL.—An eligible entity that de-
10 sires to receive a contract under this section shall
11 submit to the Secretary an application at such time,
12 in such manner, and containing such information as
13 the Secretary may require, consistent with the re-
14 quirements described in this section.

15 (2) CONTENT.—An application submitted pur-
16 suant to paragraph (1) shall—

17 (A) outline and describe how training and
18 other activities will be undertaken to promote
19 prevention, intervention, and collaboration;

20 (B) identify the members of the organiza-
21 tion who will be responsible for carrying out the
22 training;

23 (C) ensure that communities or agencies
24 affected by the training are adequately rep-
25 resented in the development of the application,

1 training, and follow on activities to be under-
2 taken and that they have a significant role in
3 evaluating the success of the project;

4 (D) include documentation of any history
5 of training between military entities, domestic
6 violence, sexual assault, or stalking service pro-
7 viders, courts, law enforcement agencies, com-
8 munity-based programs, and other entities;

9 (E) provide assurances that training and
10 other activities will be provided to all types of
11 staff, will address appropriate practices for in-
12 vestigation, follow-up, screening, intake, assess-
13 ment, and provision of services addressing the
14 safety needs of victims of domestic violence,
15 sexual assault, family violence, or stalking;

16 (F) describe how the training and activities
17 will enhance or ensure the safety and security
18 of servicemembers, families, and partners where
19 both domestic violence and sexual assault oc-
20 curs by providing appropriate resources, protec-
21 tion, and support to victims;

22 (G) outline methods and means partici-
23 pating entities will use to ensure that all serv-
24 ices are provided in a linguistically and cul-

1 turally competent manner and will use commu-
2 nity-based supports and resources; and

3 (H) outline the protocols, policies, and pro-
4 cedures participating entities will develop and
5 adopt to ensure the confidentiality of victims.

6 (d) DURATION OF CONTRACTS.—The Secretary shall
7 enter into a contract under this section for a period of
8 one year. Such a contract may be renewed.

9 (e) REPORTS.—An entity receiving funds under this
10 section shall submit to the Secretary every six months a
11 report that describes, at a minimum—

12 (1) how the funds under the program were
13 used, including the extent to which military per-
14 sonnel, family members, or partners were served;

15 (2) the adequacy of staff training and services
16 to ensure that the needs of servicemembers, family
17 members, or partners are met; and

18 (3) the existence of barriers the entity faces to
19 more fully addressing the needs of servicemembers,
20 family members, or partners.

21 (f) REQUIREMENT.—

22 (1) Of the amounts appropriated to carry out
23 this section for any fiscal year, the Secretary—

24 (A) shall use not less than 20 percent for
25 programs addressing domestic violence and sex-

1 ual assault that are operated by, or in partner-
2 ship with, civilian victim services; and

3 (B) shall use not less than 5 percent for
4 technical assistance and training to be provided
5 by organizations having demonstrated expertise
6 in developing collaborative community and sys-
7 tem responses to domestic violence, sexual as-
8 sault, and stalking.

9 (2) Technical assistance and training under
10 paragraph (1)(B) may be offered to the elements of
11 the Armed Forces, installations, or commands in the
12 process of developing community responses, whether
13 they are receiving funds under this section or not.

14 **Subtitle E—Biennial Conference on**
15 **Sexual Assault and Domestic Vi-**
16 **olence**

17 **SEC. 141. ESTABLISHMENT.**

18 Not later than one year after the date of the enact-
19 ment of this Act, and every two years thereafter, the Sec-
20 retary of Defense, acting through the Director of the Of-
21 fice of the Victims' Advocate of the Department of De-
22 fense, shall convene a national conference to review cur-
23 rent policies for prevention of, and response to, domestic
24 violence, sexual assault, family violence, and stalking in-

1 involving members of the Armed Forces and to make rec-
2 ommendations for changes, as warranted, to those policies.

3 **SEC. 142. CONFERENCE ACTIVITIES.**

4 (a) IN GENERAL.—The conferences under this sub-
5 title shall provide a forum for the civilian leadership of
6 the Department of Defense, military commanders, family
7 advocacy personnel, military criminal investigators, mili-
8 tary law enforcement personnel, and security forces to
9 consider problems, policies, and recommendations relating
10 to domestic violence, sexual assault, family violence, and
11 stalking involving members of the Armed Forces.

12 (b) FIRST CONFERENCE.—

13 (1) CONSIDERATION OF PRIOR REPORTS.—Ac-
14 tivities of the first conference under this subtitle
15 shall include consideration of the reports and rec-
16 ommendations of the following:

17 (A) The Department of Defense Task
18 Force on the Care of Sexual Assault Victims.

19 (B) The Department of Defense Task
20 Force on Domestic Violence.

21 (C) The Department of Defense Task
22 Force of Sexual Harassment and Misconduct at
23 the Military Academies.

24 (2) STRATEGIC PLAN.—Activities of the first
25 conference under this subtitle shall include a discus-

1 sion of, and compiling of recommendations and
2 strategy for, a strategic plan that seeks to—

3 (A) involve more civilian leaders of the De-
4 partment of Defense, military commanders, and
5 servicemembers in prevention and other activi-
6 ties designed to end domestic violence, sexual
7 assault, family violence, and stalking in the
8 Armed Forces; and

9 (B) facilitate the Secretaries of the mili-
10 tary departments implementation of policies on
11 domestic violence, sexual assault, family vio-
12 lence, and stalking in the Armed Forces.

13 **SEC. 143. CONFERENCE PARTICIPANTS.**

14 The Secretary shall provide for participants in con-
15 ferences under this subtitle to include the following:

16 (1) Representatives from a broad cross-section
17 of military authorities, including leadership, com-
18 mands, services, departments, and programs.

19 (2) Representatives of Federal, State, national
20 and local government agencies.

21 (3) Representatives of law enforcement organi-
22 zations.

23 (4) Criminal justice professionals, including
24 prosecutors, investigators, attorneys, and advocates.

1 (5) Representatives of nonprofit, private, or
2 nongovernmental service providers and of public and
3 private organizations working in the field of domes-
4 tic violence, sexual assault, family violence, and
5 stalking.

6 (6) Individuals with demonstrated expertise in
7 addressing the intersection between domestic vio-
8 lence, sexual assault, family violence, and stalking.

9 (7) Individuals with demonstrated expertise in
10 addressing the issues confronting the Armed Forces
11 relative to domestic violence, sexual assault, family
12 violence, and stalking.

13 (8) Victims of domestic violence, sexual assault,
14 family violence, and stalking.

15 (9) Representatives of academic and research,
16 facilities with demonstrated expertise in domestic vi-
17 olence, sexual assault, family violence, and stalking.

18 (10) Representatives of the Department of Vet-
19 erans Affairs.

20 (11) Advocates, counselors, and therapists en-
21 gaged in providing services to victims associated
22 with the Armed Forces.

1 **Subtitle F—Memorandums of Un-**
2 **derstanding With Civil Organi-**
3 **zations**

4 **SEC. 151. AGREEMENTS WITH CIVILIAN ORGANIZATIONS.**

5 (a) MEMORANDUMS OF UNDERSTANDING.—Congress
6 expects and encourages the Secretary of Defense to enter
7 into memorandums of understanding with civilian organi-
8 zations to provide services to victims of sexual assault, do-
9 mestic violence, family violence, and stalking.

10 (b) CONFIDENTIALITY.—When entering into a
11 memorandum of understanding with a civilian organiza-
12 tion as described in subsection (a), the Secretary of De-
13 fense should not enter into, and may not enforce, any pro-
14 vision in the memorandum that would be in direct viola-
15 tion of any law protecting confidential information and
16 personal identifying information.

1 **TITLE II—RIGHTS, RESTITUTION,**
2 **TREATMENT, AND SERVICES**
3 **FOR VICTIMS**

4 **Subtitle A—Protection of Persons**
5 **Reporting Sexual Assault or Do-**
6 **mestic Violence**

7 **SEC. 201. PROTECTION OF COMMUNICATIONS BETWEEN**
8 **VICTIMS AND ADVOCATES.**

9 (a) RESTRICTING COMMUNICATION PROHIBITED.—
10 Subsection (a) of section 1034 of title 10, United States
11 Code, is amended by inserting before the period at the
12 end the following: “or the Office of the Victims’ Advocate
13 or a Victims’ Advocate within the Department of De-
14 fense”.

15 (b) PROHIBITION OF RETALIATORY PERSONNEL AC-
16 TIONS.—Subsection (b)(1) of such section is amended—

17 (1) in subparagraph (A), by striking “or an In-
18 spector General” and inserting “, an Inspector Gen-
19 eral, or the Office of the Victims’ Advocate or a Vic-
20 tims’ Advocate”; and

21 (2) in subparagraph (A)—

22 (A) by redesignating clauses (iii) and (iv)
23 as clauses (iv) and (v), respectively; and

24 (B) by inserting after clause (ii) the fol-
25 lowing new clause:

1 “(iii) the Office of the Victims’ Advocate
2 or a victims’ advocate;”.

3 (c) INSPECTOR GENERAL INVESTIGATIONS.—Sub-
4 section (c)(2) of such subsection is amended by inserting
5 “, sexual assault, domestic violence, family violence, stalk-
6 ing,” in subparagraph (A) after “sexual harassment”.

7 **SEC. 202. VICTIM SERVICE ORGANIZATION PRIVILEGE AND**
8 **HEALTH CARE PROFESSIONAL PRIVILEGE IN**
9 **CASES ARISING UNDER UNIFORM CODE OF**
10 **MILITARY JUSTICE.**

11 (a) PRIVILEGES ESTABLISHED.—

12 (1) IN GENERAL.—Subchapter XI of chapter 47
13 of title 10, United States Code (the Uniform Code
14 of Military Justice), is amended by adding at the
15 end the following new section:

16 **“§ 941. Art. 141. Privilege for communication with**
17 **victim service organization or health**
18 **care professional**

19 “(a) GENERAL RULE OF PRIVILEGE.—A client has
20 a privilege to refuse to disclose, and to prevent any other
21 person from disclosing, a confidential communication
22 made between the client and a victim service organization
23 or any representative of the organization, or between the
24 client and a health care professional or any representative
25 of the professional, in a case arising under this chapter,

1 if such communication was made for the purpose of secur-
2 ing advice, counseling, treatment, or assistance concerning
3 the client’s mental, physical, or emotional condition caused
4 by domestic violence, family violence, dating violence,
5 stalking, or sexual assault.

6 “(b) DEFINITIONS.—In this section:

7 “(1) The term ‘client’ means a person who
8 consults with or is examined or interviewed by a vic-
9 tim service organization or any representative of the
10 organization, or by a health care professional or any
11 representative of the professional.

12 “(2) The term ‘victim service organization’
13 means an organization (whether public or private)
14 that provides advice, counseling, or assistance to vic-
15 tims of domestic violence, family violence, dating vio-
16 lence, stalking, or sexual assault, or to the families
17 of such victims.

18 “(3) The term ‘representative’, with respect to
19 an organization or professional, means a person di-
20 rected by or assigned to assist that organization or
21 professional, respectively, in providing advice, coun-
22 seling, treatment, or assistance.

23 “(4) The term ‘confidential communication’
24 means a communication not intended to be disclosed
25 to third persons other than—

1 “(A) those to whom disclosure is in fur-
2 therance of providing advice, counseling, treat-
3 ment, or assistance to the client; and

4 “(B) those reasonably necessary for dis-
5 closing under subparagraph (A).

6 “(c) EMERGENCY SHELTER PROTECTION.—A client
7 or representative of a client may not be compelled to pro-
8 vide testimony in a civil, criminal, legislative, disciplinary,
9 or administrative proceeding that would identify—

10 “(1) the name, address, location, or telephone
11 number of a safe house, abuse shelter, or other facil-
12 ity that provided temporary emergency shelter to the
13 victim of the offense or transaction that is the sub-
14 ject of the proceeding; or

15 “(2) the name, address, or telephone number of
16 a victim representative.

17 “(d) WHO MAY CLAIM THE PRIVILEGE.—The privi-
18 lege under subsection (a) or (c) may be claimed by the
19 client or the guardian or conservator of the client. A per-
20 son who may claim the privilege may authorize trial coun-
21 sel or defense counsel to claim the privilege on his or her
22 behalf. The victim service organization, health care profes-
23 sional, or representative who received the communication
24 may claim the privilege on behalf of the client. The author-
25 ity of such an organization, professional, representative,

1 guardian, or conservator to so assert the privilege is pre-
2 sumed in the absence of evidence to the contrary.

3 “(e) EXCEPTIONS.—There is no privilege under this
4 section—

5 “(1) when the client is dead, except for the
6 privilege under subsection (c);

7 “(2) to the extent the communication reports
8 child abuse;

9 “(3) when a victim service organization, health
10 care professional, or representative believes that a
11 mental or emotional condition of the client makes
12 the client a danger to any person, including the cli-
13 ent; or

14 “(4) if the communication clearly contemplated
15 the future commission of a fraud or crime or if the
16 services of the victim service organization or health
17 care professional are sought or obtained to enable or
18 aid anyone to commit or plan to commit what the
19 client knew or reasonably should have known to be
20 a crime or fraud.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of such subchapter is amend-
23 ed by adding at the end the following new item:

“941. 141. Privilege for communication with victim service organization or
health care professional.”.

1 (b) APPLICABILITY.—Section 941 of title 10, United
2 States Code (article 141 of the Uniform Code of Military
3 Justice), as added by subsection (a), applies to commu-
4 nications made after the date of the enactment of this Act.

5 **Subtitle B—Medical Care and**
6 **Treatment for Victims of Sexual**
7 **and Domestic Violence**

8 **SEC. 211. ENHANCED DEPARTMENT OF DEFENSE TREAT-**
9 **MENT CAPACITY.**

10 To the extent funds are available for such purpose,
11 funds available to the Department of Defense shall be
12 used to employ at least one medical professional trained
13 as a sexual assault nurse examiner and at least one psy-
14 chiatrist, and a complimentary clinical team, at each mili-
15 tary treatment facility operated by the Department of De-
16 fense.

17 **SEC. 212. COMMUNITY LEVEL PROGRAM.**

18 (a) PROGRAM.—The Secretary of Defense, acting
19 through the Assistant Secretary of Defense for Health Af-
20 fairs, shall carry out a program at the community level
21 for members of the Armed Forces on active duty and fam-
22 ily members of such members who are victims of domestic
23 violence, sexual assault, family violence, or stalking.

24 (b) PROGRAM SITES.—The program shall be carried
25 out through facilities of the Department of Defense.

1 (c) PROGRAM CONTENT.—In conducting the pro-
2 gram, the Secretary shall provide for individualized case
3 management to be conducted on a one-to-one basis, coun-
4 seling, education, and group therapy to help victims cope
5 with trauma. Through the program, the Secretary
6 should—

7 (1) emphasize early identification of victims ex-
8 perienicing post-traumatic stress disorder resulting
9 from domestic violence, sexual assault, family vio-
10 lence, or stalking;

11 (2) include group-oriented, peer-to-peer settings
12 for treatment; and

13 (3) acknowledge that the causal factors of do-
14 mestic violence, sexual assault, family violence, and
15 stalking include power and control.

16 (d) OUTREACH.—The Secretary shall provide that
17 health information packets given to members of the Armed
18 Forces and their family members include information
19 about how to obtain timely and confidential post-sexual
20 assault medical care.

21 (e) PROGRAM MODELS.—The Secretary shall estab-
22 lish and carry out the program under this section following
23 a comprehensive review of other relevant programs, includ-
24 ing programs of the Department of Veterans Affairs, of
25 State and local governments, and of private, nonprofit, or

1 nongovernmental organizations specializing in the treat-
 2 ment of victims of domestic violence, sexual assault, family
 3 violence, or stalking.

4 **SEC. 213. TRANSITION TO VETERANS HEALTH CARE FOR**
 5 **VICTIMS OR PERPETRATORS OF DOMESTIC**
 6 **VIOLENCE, SEXUAL ASSAULT, FAMILY VIO-**
 7 **LENCE, OR STALKING.**

8 The Secretary of each military department shall take
 9 special care in providing for a seamless transition from
 10 Department of Defense health care services to Depart-
 11 ment of Veterans Affairs health care services in the case
 12 of any member of the Armed Forces who is being dis-
 13 charged or separated from active duty and who has been
 14 identified as a victim or perpetrator of domestic violence,
 15 sexual assault, family violence, or stalking.

16 **Subtitle C—Military-Civilian**
 17 **Shelter Programs**

18 **SEC. 221. ENHANCED CAPACITY OF THE DEPARTMENT OF**
 19 **DEFENSE FOR SHELTER PROGRAMS AND**
 20 **SERVICES.**

21 (a) CONTRACTS AUTHORIZED.—

22 (1) IN GENERAL.—The Secretary of Defense,
 23 acting through the Director of the Office of the Vic-
 24 tims' Advocate, may enter into contracts with eligi-
 25 ble entities to provide shelter services for members

1 of the Armed Forces and their family members and
2 partners who experience domestic violence, family vi-
3 olence, sexual assault, or stalking.

4 (2) ELIGIBLE ENTITIES.—In this section, the
5 term “eligible entity” means a public or private non-
6 profit entity the primary purpose of which is to pro-
7 vide shelter services to victims of domestic violence,
8 family violence, sexual assault, or stalking. The enti-
9 ty may be—

10 (A) a community-based organization spe-
11 cializing in intervention or violence prevention
12 services for military servicemembers, family
13 members, or partners;

14 (B) a nonprofit nongovernmental entity
15 providing services primarily to servicemembers,
16 family members, or partners who are victims of
17 domestic violence, family violence, sexual as-
18 sault, or stalking;

19 (C) a nonprofit, nongovernmental entity
20 providing services for veterans;

21 (D) a nonprofit, nongovernmental entity
22 providing services to homeless individuals; or

23 (E) a governmental program serving
24 servicemembers and family members.

1 (b) USES OF FUNDS.—A contract under this section
2 shall provide that—

3 (1) whenever possible, the entity awarded the
4 contract shall collaborate with existing shelter serv-
5 ices in the civilian community to provide appropriate
6 victim services;

7 (2) when appropriate shelter services are not
8 available in the civilian community or are not acces-
9 sible to members of the Armed Forces or their fam-
10 ily members or partners, the entity awarded the con-
11 tract may provide or create shelter services in col-
12 laboration with a community-based organization;

13 (3) the entity awarded the contract shall pro-
14 vide referral services to a Department of Defense
15 victims advocate aid, including legal, medical, or
16 psychological counseling, to members of the Armed
17 Forces and their family members and partners who
18 are experiencing domestic violence, family violence,
19 sexual assault, or stalking; and

20 (4) if needed, the entity awarded the contract
21 will have staff with fluency in languages other than
22 English or access to translators.

23 (c) APPLICATION.—

24 (1) IN GENERAL.—An eligible entity that de-
25 sires to receive a contract under this section shall

1 submit to the Secretary an application at such time,
2 in such manner, and containing such information as
3 the Secretary may require, consistent with the re-
4 quirements of this section.

5 (2) CONSIDERATION OF BEST PRACTICES.—In
6 considering applications submitted pursuant to para-
7 graph (1), the Secretary shall consult with existing
8 providers of shelter services to determine best prac-
9 tices.

10 (d) DURATION OF AWARDS.—A contract awarded
11 under this section shall be awarded for a period of three
12 fiscal years. Such a contract may be renewed.

13 (e) CONFIDENTIALITY.—The Secretary shall include
14 in a contract under this section confidentiality provisions
15 based on the provisions of section 1816(a) of title 10,
16 United States Code, as added by section 111.

17 (f) REPORTS.—An entity awarded a contract under
18 this section shall submit to the Secretary every six months
19 a report that describes, at a minimum—

20 (1) how the funds under the contract were
21 used;

22 (2) the extent to which military personnel, fam-
23 ilies, and partners were served; and

1 (3) the adequacy of staff training and services
2 to ensure that needs of members of the Armed
3 Forces and their family members and partners.

4 **Subtitle D—Victim’s Rights and**
5 **Restitution**

6 **SEC. 231. MILITARY LAW ENFORCEMENT AND VICTIMS’**
7 **RIGHTS.**

8 (a) VICTIMS RIGHTS.—After an allegation of a do-
9 mestic violence, sexual assault, family violence, or stalking
10 offense that is reported to, or investigated by military law
11 enforcement agency, the victim (or alleged victim) shall
12 have the following rights:

13 (1) Victims’ rights set out under section 502(b)
14 of the Victims’ Rights and Restitution Act of 1990
15 (42 U.S.C. 10606(b)).

16 (2) The right to be informed of the availability
17 of crisis intervention services and resources and
18 medical services and, when applicable, that medical
19 services arising out of the need to secure evidence
20 may be reimbursed.

21 (3) The right to be informed of legal procedures
22 and resources available for the protection of the vic-
23 tim, including military no contact orders and protec-
24 tion orders, the provisions of section 1561a of title
25 10, United States Code, and the full faith and credit

1 provisions of the Violence Against Women Act as de-
2 fined by section 2265 of title 18, United States
3 Code.

4 (4) The right to be informed of names and tele-
5 phone numbers of public and private assistance pro-
6 grams, including victim compensation programs,
7 transitional compensation programs, and programs
8 that provide counseling, treatment, shelter, and sup-
9 port services.

10 (5) The right to be informed of the military law
11 enforcement agency report number for the case, if
12 available, other identifying information, and the fol-
13 lowing statement: “If within 30 days you are not no-
14 tified of an arrest in your case, you may call (the
15 military law enforcement agency’s telephone num-
16 ber) for information on the status of your case.”.

17 (6) The right to be notified by military law en-
18 forcement authorities of the arrest of the suspect, if
19 the suspect is arrested, regardless of whether the
20 suspect is an adult or a juvenile.

21 (7) The right to be to informed, in a case in
22 which the suspect is an adult and has been arrested,
23 of the suspect’s release, of the scheduled time, place,
24 and date for initial court appearances of the suspect,
25 and of the victim’s right to be heard.

1 (b) NOTICE OF RIGHTS TO BE PROVIDED.—As soon
2 after an allegation of a domestic violence, sexual assault,
3 family violence, or stalking offense as possible without
4 interfering with an investigation or arrest, a representa-
5 tive of the military law enforcement agency that has re-
6 sponsibility for investigating the offense shall provide the
7 victim with a multicopy form that includes the following:

8 (1) A form for the victim to request or waive
9 applicable rights to information to which the victim
10 is entitled, on request, under this section.

11 (2) A means for the victim to designate a lawful
12 representative selected by the victim.

13 (3) Notice to the victim of the following:

14 (A) Victims' rights under section 502(b) of
15 the Victims' Rights and Restitution Act of 1990
16 (42 U.S.C. 10606(b)).

17 (B) The availability of crisis intervention
18 services and resources and medical services and,
19 when applicable, that medical services arising
20 out of the need to secure evidence may be reim-
21 bursed.

22 (C) The legal procedures and resources
23 available for the protection of the victim, in-
24 cluding military no contact orders and protec-
25 tion orders, the provisions of section 1561a of

1 title 10, United States Code, and the full faith
2 and credit provisions of the Violence Against
3 Women Act as defined by section 2265 of title
4 18, United States Code.

5 (D) The names and telephone numbers of
6 public and private assistance programs, includ-
7 ing victim compensation programs, transitional
8 compensation programs, and programs that
9 provide counseling, treatment, shelter, and sup-
10 port services.

11 (E) The military law enforcement agency
12 report number for the case, if available, other
13 identifying information, and the following state-
14 ment: “If within 30 days you are not notified
15 of an arrest in your case, you may call (the
16 military law enforcement agency’s telephone
17 number) for information on the status of your
18 case.”.

19 (F) Regardless of whether the suspect is
20 an adult or a juvenile, a statement that the vic-
21 tim will be notified by military law enforcement
22 authorities of the arrest of the suspect, if the
23 suspect is arrested.

24 (G) If the suspect is an adult and has been
25 arrested, a statement that the victim will be in-

1 formed of the suspect’s release, of the scheduled
2 time, place, and date for initial court appear-
3 ances of the suspect and of the victim’s right to
4 be heard, and that to exercise those rights, the
5 victim may contact the custodial agency regard-
6 ing the suspect’s status or contact the com-
7 mand regarding any changes.

8 (c) EFFECT OF EMOTIONAL STATUS OF VICTIM.—

9 If at the time of contact with a military law enforcement
10 agency representative under subsection (a), a victim is
11 emotionally unable to request or to waive applicable rights,
12 the military law enforcement agency representative shall
13 so designate that on the multicopy form and any entity
14 that is subsequently involved in the case shall presume
15 that the victim invoked the applicable rights to which the
16 victim is entitled and, on request, the victim may later
17 waive those rights.

18 **SEC. 232. AVAILABILITY OF INCIDENT REPORTS.**

19 (a) APPLICABILITY.—A military law enforcement
20 agency shall provide, without charge, to a victim of domes-
21 tic violence, sexual assault, family violence, or stalking (or
22 to the representative of such a victim, if the victim is de-
23 ceased) a copy of the incident report in the case, a copy
24 of the incident report summary (referred to as a “face
25 sheet”), or both, in accordance with subsection (b).

1 (b) TIME FOR AVAILABILITY.—

2 (1) SUMMARIES.—A copy of an incident report
3 summary shall be made available during regular
4 business hours to a victim or the victim's representa-
5 tive no later than 48 hours after being requested by
6 the victim or the victim's representative, unless the
7 military law enforcement agency informs the victim
8 or representative of the reasons why the summary is
9 not available, in which case the summary shall be
10 made available to the victim or representative no
11 later than five working days after the request is
12 made.

13 (2) INCIDENT REPORTS.—A copy of the inci-
14 dent report shall be made available during regular
15 business hours to a victim or the victim's representa-
16 tive no later than five working days after being re-
17 quested by a victim or representative, unless the
18 military law enforcement agency informs the victim
19 or representative of the reasons why the incident re-
20 port is not available, in which case the incident re-
21 port shall be made available to the victim or rep-
22 resentative no later than 10 working days after the
23 request is made.

24 (c) IDENTIFICATION.—An incident report and a sum-
25 mary of an incident report may be provided to any person

1 under this section only upon presentation of identification
2 satisfactory to the Secretary concerned.

3 (d) TIME DURATION.—This section applies to re-
4 quests for copies of incident reports and summaries of in-
5 cident reports made within five years from the date of
6 completion of the incident report.

7 (e) VICTIM’S REPRESENTATIVE DEFINED.—

8 (1) For purposes of this section, the term “vic-
9 tim’s representative” means, with respect to a victim
10 who is deceased, the person who is listed first among
11 the following:

12 (A) The surviving spouse.

13 (B) A surviving child of the decedent who
14 has attained 18 years of age.

15 (C) A surviving parent of the decedent.

16 (D) A surviving adult relative.

17 (E) The public administrator appointed by
18 a probate court, if one has been appointed.

19 (2) A victim’s representative does not include
20 any person who has been convicted of murder under
21 State or Federal law or any person identified in the
22 incident report as a suspect.

23 **SEC. 233. VICTIM ADVOCATES AND VICTIMS’ RIGHTS.**

24 (a) IN GENERAL.—Any victim making an allegation
25 of sexual assault, domestic violence, family violence, or

1 stalking may have a victim advocate present at any inter-
 2 view of the victim conducted by any military law enforce-
 3 ment official.

4 (b) SUPPORT DURING PROCEEDINGS.—In a military
 5 justice proceeding, a victim advocate, upon the request of
 6 the victim, shall be allowed to accompany the victim dur-
 7 ing the proceedings. The victim advocate shall be allowed
 8 to confer orally and in writing with the victim in a reason-
 9 able manner.

10 **SEC. 234. RESTITUTION.**

11 (a) IN GENERAL.—Chapter 80 of title 10, is amended
 12 by inserting after section 1561b, as added by section 301,
 13 the following new section:

14 **“§ 1561c. Restitution**

15 “(a) RESTITUTION REQUIRED.—In addition to any
 16 other civil, disciplinary, or criminal penalty authorized by
 17 law, the convening authority in a court-martial shall order
 18 restitution for any offense specified in section 920, 892(4),
 19 or 1561a of this title.

20 “(b) SCOPE AND NATURE OF ORDER.—

21 “(1) DIRECTIONS.—An order of restitution
 22 under this section shall direct the person convicted
 23 to pay the victim the full amount of the victims’
 24 losses, as determined by the convening authority
 25 pursuant to paragraph (2).

1 “(2) ENFORCEMENT.—An order of restitution
 2 under this section shall be issued and enforced in ac-
 3 cordance with section 3664 of title 18 in the same
 4 manner as an order under section 3663A of that
 5 title.

6 “(c) MANDATORY ORDER.—

7 “(1) The issuance of a restitution order under
 8 this section is mandatory.

9 “(2) The convening authority may not decline
 10 to issue an order under this section because of—

11 “(A) the economic circumstances of the
 12 person convicted; or

13 “(B) the fact that a victim has received, or
 14 is entitled to receive, compensation for the vic-
 15 tim’s injuries from the proceeds of insurance,
 16 transitional compensation, veterans benefits, or
 17 any other source.

18 “(d) DEFINITIONS.—In this section:

19 “(1) FULL AMOUNT OF THE VICTIM’S
 20 LOSSES.—The term ‘full amount of the victim’s
 21 losses’ includes any costs incurred by the victim
 22 for—

23 “(A) medical services relating to physical,
 24 psychiatric, or psychological care;

1 “(B) physical and occupational therapy or
2 rehabilitation;

3 “(C) necessary transportation, temporary
4 housing, and child care expenses;

5 “(D) lost income;

6 “(E) attorney’s fees, plus any costs in-
7 curred in obtaining a civil protective order; and

8 “(F) any other loss suffered by the victim
9 as a proximate result of the offense or offenses.

10 “(2) VICTIM.—The term ‘victim’ means a per-
11 son harmed as a result of a commission of a crime
12 under this title, including, in the case of a victim
13 who is under 18 years of age, incompetent, incapaci-
14 tated, or deceased, the legal guardian of the victim
15 or representative of the victim’s estate, another fam-
16 ily member, or any other person appointed as suit-
17 able by a court, but in no event shall the accused be
18 named as such a representative or guardian.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 1561b, as added by sec-
22 tion 301, the following new section:

 “1561c. Restitution.”.

23 **SEC. 235. RECORDS OF MILITARY JUSTICE ACTIONS.**

24 (a) IN GENERAL.—Subchapter XI of chapter 47 of
25 title 10, United States Code (the Uniform Code of Military

1 Justice), is amended by adding at the end the following
 2 new section (article):

3 **“§ 940a. Art. 140a. Military justice information: trans-**
 4 **mission to Director of Federal Bureau of**
 5 **Investigation**

6 “Whenever a member of the Armed Forces is dis-
 7 charged or dismissed from the Armed Forces or is released
 8 from active duty, the Secretary concerned shall transmit
 9 to the Director of the Federal Bureau of Investigation a
 10 copy of records of any disciplinary action against the
 11 member involving sexual misconduct during the period of
 12 the member’s service in the Armed Forces that is taken
 13 under this chapter, including any nonjudicial punishment
 14 imposed under section 815 of this title (article 15).”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 at the beginning of such subchapter is amended by adding
 17 at the end the following new item:

“940. 140a. Military justice information: transmission to Director of Federal
 Bureau of Investigation.”.

18 **SEC. 236. TECHNICAL AMENDMENTS RELATING TO FATAL-**
 19 **ITY REVIEW PANELS.**

20 (a) ARMY.—Section 4061 of title 10, United States
 21 Code, is amended—

22 (1) in subsection (a), by inserting “, through
 23 the Office of the Victims’ Advocate,” after “Sec-
 24 retary of the Army”; and

1 (2) in subsection (c), by inserting “, in con-
2 sultation with the Office of the Victims’ Advocate,”
3 after “Secretary of Defense”.

4 (b) NAVY.—Section 6036 of such title is amended—

5 (1) in subsection (a), by inserting “, through
6 the Office of the Victims’ Advocate,” after “Sec-
7 retary of the Navy”; and

8 (2) in subsection (c), by inserting “, in con-
9 sultation with the Office of the Victims’ Advocate,”
10 after “Secretary of Defense”.

11 (c) AIR FORCE.—Section 9061 of such title is amend-
12 ed—

13 (1) in subsection (a), by inserting “, through
14 the Office of the Victims’ Advocate,” after “Sec-
15 retary of the Air Force”; and

16 (2) in subsection (c), by inserting “, in con-
17 sultation with the Office of the Victims’ Advocate,”
18 after “Secretary of Defense”.

1 **TITLE III—REPORTING, PROS-**
2 **ECUTION, AND TREATMENT**
3 **OF PERPETRATORS**

4 **Subtitle A—Reporting of Sexual As-**
5 **sault, Domestic Violence, and**
6 **Stalking Within the Department**
7 **of Defense**

8 **SEC. 301. COMPLAINTS OF SEXUAL ASSAULT AND DOMES-**
9 **TIC VIOLENCE.**

10 (a) IN GENERAL.—Chapter 80 of title 10, United
11 States Code, is amended by inserting after section 1561a
12 the following new section:

13 **“§ 1561b. Complaints of sexual assault, domestic vio-**
14 **lence, family violence, or stalking: inves-**
15 **tigation by commanding officers**

16 “(a) ACTION ON COMPLAINTS.—(1) A commanding
17 officer or officer in charge of a unit, vessel, facility, or
18 area of the Army, Navy, Air Force, or Marine Corps who
19 receives a qualifying complaint shall carry out an inves-
20 tigation of the matter in accordance with this section.

21 “(2) In this section, the term ‘qualifying complaint’
22 means a complaint—

23 “(A) that is from a victim, or from a member
24 of the command, or a civilian employee under the

1 supervision of the officer, or a victim advocate of the
2 Department of Defense; and

3 “(B) that alleges sexual assault, domestic vio-
4 lence, family violence, or stalking by a member of
5 the Armed Forces or a civilian employee of the De-
6 partment of Defense

7 “(b) COMMENCEMENT OF INVESTIGATION.—To the
8 extent practicable, a commanding officer or officer in
9 charge receiving a qualifying complaint shall, within 72
10 hours after receipt of the complaint—

11 “(1) forward the complaint, or a detailed de-
12 scription of the allegation in the complaint, to the
13 next superior officer in that officer’s chain of com-
14 mand who is authorized to convene a general court-
15 martial;

16 “(2) commence, or cause the commencement of,
17 an investigation of the complaint, including engaging
18 law enforcement, criminal investigators, judge advo-
19 cates, victim advocates, and victim witness liaisons;
20 and

21 “(3) advise the complainant of the commence-
22 ment of the investigation.

23 “(c) DURATION OF INVESTIGATION.—A commanding
24 officer or officer in charge receiving a qualifying complaint
25 shall ensure that the investigation of the complaint is com-

1 pleted within 90 days of the date on which the investiga-
2 tion is commenced or such longer period as may be ap-
3 proved by the Director of the Office of Victim Advocate.

4 “(d) JUDGE ADVOCATE REPORT.—To the extent
5 practicable, a commanding officer or officer in charge re-
6 ceiving a qualifying complaint shall require a report of the
7 judge advocate, including the results of the investigation,
8 application of the disciplinary or punitive articles under
9 the Uniform Code of Military Justice, and any rec-
10 ommendations for actions to be taken as a result of the
11 investigation, within 20 days after the date on which the
12 investigation is commenced.

13 “(e) REPORT ON INVESTIGATION.—To the extent
14 practicable, a commanding officer or officer in charge re-
15 ceiving a qualifying complaint shall—

16 “(1) submit a final report on the results of the
17 investigation, including any action taken as a result
18 of the investigation, to the next superior officer re-
19 ferred to in subsection (b)(1) within 30 days after
20 the date on which the investigation is commenced; or

21 “(2) submit a report on the progress made in
22 completing the investigation to the next superior of-
23 ficer referred to in subsection (b)(1) within 30 days
24 after the date on which the investigation is com-
25 menced and every 14 days thereafter until the inves-

1 tigation is completed and, upon completion of the in-
2 vestigation, then submit a final report on the results
3 of the investigation, including any action taken as a
4 result of the investigation, to that next superior offi-
5 cer.

6 “(f) ANNUAL REPORTS TO SERVICE SECRETARIES.—
7 Not later than January 1 of each year, each officer receiv-
8 ing a qualifying complaint forwarded in accordance with
9 this section shall submit to the Secretary of the military
10 department concerned a report on all such complaints re-
11 ceived during the preceding year and the investigations of
12 those complaints (including the results of the investiga-
13 tions, in cases of investigations completed during the pre-
14 ceding year).

15 “(g) ANNUAL REPORT TO SECRETARY OF DEFENSE
16 AND CONGRESS.—(1) Not later than January 15 of each
17 year, each Secretary of a military department receiving a
18 report under subsection (g) shall submit to the Secretary
19 of Defense a report on the complaints and investigations
20 of sexual assault, domestic violence, family violence, and
21 stalking.

22 “(2) The Secretary of Defense shall submit to the
23 Committee on Armed Services of the Senate and the Com-
24 mittee on Armed Services of the House of Representatives
25 each report submitted to the Secretary under this para-

1 graph (1), together with the comments of the Secretary
 2 on each such report. The Secretary shall transmit the re-
 3 port for any year not later than March 15 of the next
 4 year.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of such chapter is amended by inserting
 7 after the item relating to section 1561a the following new
 8 item:

“1561b. Complaints of sexual assault, domestic violence, family violence, or
 stalking: investigation by commanding officers.”.

9 **SEC. 302. RESPONSE OF MILITARY LAW ENFORCEMENT OF-**
 10 **FICIALS TO DOMESTIC VIOLENCE INCIDENTS.**

11 (a) IN GENERAL.—Chapter 80 of title 10, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing new sections:

14 **“§ 1567. Domestic violence: responsibilities of mili-**
 15 **tary law enforcement officers**

16 “(a) CIRCUMSTANCES REQUIRING ARREST.—A mili-
 17 tary law enforcement officer shall arrest and take into cus-
 18 tody a person subject to arrest or apprehension by the offi-
 19 cer if—

20 “(1) the officer has reasonable grounds to be-
 21 lieve that the person has committed domestic vio-
 22 lence and that the person’s actions are the commis-
 23 sion of a crime; and

1 “(2) any of the following circumstances is
2 present:

3 “(A) The officer has reasonable basis for
4 believing that continued domestic violence
5 against the alleged victim is likely.

6 “(B) There is evidence of physical injury
7 to the alleged victim.

8 “(C) The use of a deadly weapon or dan-
9 gerous instrument is evident.

10 “(b) DOMESTIC VIOLENCE.—In this section, the term
11 ‘domestic violence’ means any of the following engaged in
12 by a person against the person’s spouse or former spouse
13 or against a person with whom the person resides or for-
14 merly resided or against an individual with whom the per-
15 son has a child in common:

16 “(1) Infliction of physical pain, bodily injury, or
17 illness or damage to property.

18 “(2) Intentional impairment of physical condi-
19 tion.

20 “(3) A threat of conduct that would cause bod-
21 ily injury or damage to property.

22 “(c) ARRESTING OFFICER’S REPORT.—An officer
23 who makes an arrest under subsection (b) shall submit
24 a full written report of the alleged domestic violence inci-

1 dent to the officer's supervisor and to the judge advocate
2 within 10 days of the arrest. Such a report shall include—

3 “(1) a description of physical injuries observed,
4 if any;

5 “(2) whenever possible, a statement from the
6 victim and witnesses concerning the alleged domestic
7 violence; and

8 “(3) a statement that a copy of legal rights and
9 notices was given to the victim.

10 “(d) LAW ENFORCEMENT POLICIES.—(1) The Sec-
11 retary of Defense shall prescribe regulations to implement
12 written policies regarding arrest procedures for domestic
13 violence incidents. Those policies shall include the fol-
14 lowing:

15 “(A) In most circumstances, a military law en-
16 forcement officer should arrest and take a person
17 into custody if the officer has reasonable grounds to
18 believe that the person is committing or has com-
19 mitted domestic violence and that the actions con-
20 stitute the commission of a crime.

21 “(B) When the officer has reasonable grounds
22 to believe that the spouses or former spouses or
23 other persons who reside together or resided to-
24 gether or share a child in common are committing
25 or have committed domestic violence against each

1 other, the officer does not have to arrest both par-
2 ties but should arrest the person whom the officer
3 believes to be the primary physical aggressor. In de-
4 termining who is the primary physical aggressor, an
5 officer should consider the intent of this section to
6 protect victims of domestic violence, the relative in-
7 jury or fear inflicted on the persons involved, and
8 any history of domestic violence between those per-
9 sons, if that history can be ascertained by the offi-
10 cer, or response of a person who acts in a reasonable
11 manner to protect oneself or another family or
12 household member from domestic violence. No victim
13 shall be denied relief or charged for a domestic vio-
14 lence offense because the victim used reasonable
15 force in self defense against domestic violence by an
16 attacker.

17 “(C) The decision of a military law enforcement
18 officer as to whether or not to make an arrest under
19 this section may not be based on the consent of the
20 victim or any subsequent prosecution or on the rela-
21 tionship or the rank of the persons involved in the
22 incident.

23 “(D) A decision of a military law enforcement
24 officer’s decision not to arrest under this section

1 may not be based solely upon the absence of visible
2 injury or impairment.

3 “(2) The policies under paragraph (1) shall include
4 a procedure applicable to the report and referral required
5 under subsection (c). Such procedures shall require that
6 the military law enforcement agency shall, without charge,
7 send a copy of the initial report and any subsequent, sup-
8 plemental, or related report, which excludes the victim’s
9 statement or other materials that are part of an active
10 criminal investigation and are exempt from disclosure, to
11 the command and Family Advocacy Program exercising
12 responsibility over the area in which the incident took
13 place, to the victim advocate within the Department of De-
14 fense assigned to the installation and the nearest local do-
15 mestic violence center within 24 hours of the agency’s re-
16 ceipt of the report. The report furnished to the Family
17 Advocacy Program, victim advocate, and local domestic vi-
18 olence center shall include a narrative description of the
19 domestic violence incident.

20 “(3) The policies under paragraph (1) shall include
21 a procedure for notifying the alleged victim of the incident
22 of domestic violence services from which the victim may
23 receive assistance. The military law enforcement officer
24 shall provide the victim immediate notice of the legal
25 rights and remedies available to the victim. Such notice

1 shall be in a standard form developed and distributed by
2 the Secretary of Defense. As necessary, the Secretary shall
3 revise the victims rights brochure to include a summary
4 of this section using simple English and shall distribute
5 the notice as a model form to be used by all military law
6 enforcement agencies. The notice shall include the fol-
7 lowing:

8 “(A) The resources available for the area in
9 which domestic violence services are sought, includ-
10 ing military resources (victim advocates, Family Ad-
11 vocacy Program, judge advocates, medical personnel,
12 and command) and civilian agencies (shelter, victim
13 advocates, counseling, county or state attorney of-
14 fices and centers).

15 “(B) A copy of the following statement: ‘If you
16 are a victim of domestic violence, you may ask the
17 county or state attorney or judge advocate or Direc-
18 tor of Special Investigations or command to file a
19 complaint. You also have the right to go to court
20 and file a petition requesting a protective order from
21 domestic violence to include provisions which re-
22 strain the alleged perpetrator from further acts of
23 abuse; direct the abuser to leave your house; prevent
24 the abuser from entering your residence, school,
25 business or place of employment; award you custody

1 of your minor child or children; and direct the
2 abuser to pay support to you and the minor children
3 if he/she has a legal obligation to do so. You also
4 have the right to request a military no contact order
5 containing the above provisions.’.

6 “(4) The policies under paragraph (1) shall include
7 a procedure for notifying the alleged victim of the incident,
8 a description of the procedure for releasing the arrested
9 person, and the likelihood and probable time of the ar-
10 rested person’s release.

11 “(5) In the development of policies under this sub-
12 section, the Secretary and shall consult with law enforce-
13 ment agencies and organizations with expertise in the rec-
14 ognition of domestic violence incidents.

15 “(e) DOMESTIC VIOLENCE INCIDENT REPORTS.—(1)
16 A military law enforcement officer who responds to a do-
17 mestic violence incident shall prepare a domestic violence
18 incident report.

19 “(2) If a military law enforcement officer has reason-
20 able grounds to arrest a person who is committing or has
21 committed domestic violence and that person’s actions
22 constitute the commission of a crime, the officer shall pre-
23 pare a written statement detailing why the person was not
24 arrested. The report shall be sent to the judge advocate
25 for the command of the suspect where the acts took place,

1 immediately upon the completion of the investigation of
2 the incident. The judge advocate shall review the report
3 to determine whether the person involved in the incident
4 should be charged with the commission of a crime.

5 “(3) All information contained in the domestic vio-
6 lence incident report shall be forwarded to the appropriate
7 military criminal investigative unit, to the judge advocate
8 with responsibility for the jurisdiction, and to the com-
9 mander of the suspect and of the installation.

10 “(4) The domestic violence incident report shall be
11 on a form set forth in regulations prescribed by the Sec-
12 retary of Defense. The form shall include provision for the
13 following information:

14 “(A) The relationship of the parties.

15 “(B) The sex of the parties.

16 “(C) The time and date of the incident.

17 “(D) The number of domestic violence calls in-
18 vestigated.

19 “(E) Whether children were involved, or wheth-
20 er the alleged act of domestic violence had been com-
21 mitted in the presence of children.

22 “(F) The type and extent of the abuse.

23 “(G) The number and type of weapons involved.

24 “(H) The action taken by the law enforcement
25 officer.

1 “(I) The existence of any prior court or military
2 orders issued to the parties.

3 “(J) The number of domestic violence calls al-
4 leging a violation of a military no contact order or
5 a protective order involving the parties.

6 “(K) The number of arrests involving the par-
7 ties for a violation of a civilian protective order or
8 details of disciplinary action taken for the violation
9 of a military protective order.

10 “(L) Any other data that may be necessary for
11 a complete analysis of all circumstances leading to
12 the alleged incident of domestic violence.

13 “(f) CONTACT PROHIBITIONS.—(1) Unless there is a
14 waiver by the victim, during the 72 hours immediately fol-
15 lowing an arrest for a domestic violence incident, the per-
16 son arrested—

17 “(A) shall avoid the residence of the alleged vic-
18 tim of the domestic violence incident and, if applica-
19 ble, any premises temporarily occupied by the al-
20 leged victim; and

21 “(B) shall avoid contacting or causing any per-
22 son, other than law enforcement officers or military
23 criminal investigators, judge advocates, or com-
24 manders, to contact the alleged victim.

1 “(2) Unless there is a waiver by the victim under
2 paragraph (1), a law enforcement officer who releases a
3 person arrested for domestic violence from custody less
4 than 72 hours after the arrest shall inform the arrested
5 person orally and in writing of the requirements of this
6 section and the consequences of violating this section. The
7 arrested person shall sign an acknowledgment on the writ-
8 ten notice that the person has had notice of, and under-
9 stands the requirements, the consequences and the provi-
10 sions of this section. If the arrested person refuses to sign
11 the notice, the person may not be released from custody.

12 “(3) If there is a waiver under paragraph (1) and
13 the person is arrested under this section, the law enforce-
14 ment officer who releases the arrested person shall inform
15 the arrested person orally and in writing of the waiver.

16 “(4) Failure to comply with the notice requirement
17 under paragraph (2) regarding a person who is lawfully
18 released from custody does not affect the prosecution for
19 a crime of domestic violence.

20 “(g) **CONDITIONAL RELEASE.**—A person arrested
21 and taken into custody for a domestic violence incident
22 is eligible for conditional release. Unless there is a waiver
23 under section (f), as part of the conditions of any such
24 release that occurs within 72 hours immediately following
25 such an arrest, the person shall be made to comply with

1 the requirements under subsection (f)(1) and to sign the
2 acknowledgment under subsection (f)(2).

3 **“§ 1568. Domestic violence: prosecution policies**

4 “The Secretary of Defense shall develop and imple-
5 ment written policies encouraging the prosecution of do-
6 mestic violence offenses under the military justice system.
7 Those policies shall include the following:

8 “(1) A policy that a recommendation of a judge
9 advocate that a domestic violence incident not be
10 prosecuted should not be based—

11 “(A) solely upon the absence of visible in-
12 dications of injury;

13 “(B) consent of the victim;

14 “(C) consideration of the relationship of
15 the parties; or

16 “(D) the character, rank, rate, or quality
17 of service of members of the Armed Forces, of-
18 ficers or employees.

19 “(2) A policy that when a domestic violence in-
20 cident is not prosecuted by the judge advocates, in-
21 cluding a report made under this section, the deci-
22 sion by the judge advocates should be made not later
23 than 28 days after the date on which the judge ad-
24 vocate general has received notice of the incident.

1 **“§ 1569. Domestic violence: annual reports**

2 “(a) REPORTS TO SECRETARIES OF THE MILITARY
3 DEPARTMENTS.—Each judge advocate for a command
4 who in the official capacity of that judge advocate receives
5 an allegation of domestic violence during any year shall
6 submit to the Secretary of the military department con-
7 cerned a report of all such allegations received during the
8 year, together with such information as the Secretary may
9 require, including the following:

10 “(1) The number of arrests for domestic vio-
11 lence incidents in that judge advocate’s command,
12 compiled and furnished by military law enforcement
13 and military criminal investigators.

14 “(2) The number of subsequent prosecutions
15 and convictions of those arrested for domestic vio-
16 lence incidents.

17 “(3) A listing of the number of arrests, pros-
18 ecutions, and convictions under paragraphs (1) and
19 (2) shall include categories by statutory reference of
20 offenses under chapter 47 of this title (the Uniform
21 Code of Military Justice) and include totals for all
22 categories.

23 “(b) REPORTS TO THE SECRETARY OF DEFENSE.—
24 Not later than January 1 of each year, the Secretaries
25 of the military departments shall submit to the Secretary
26 of Defense a report on the number of arrests, disposition

1 of cases, subsequent prosecutions or disciplinary actions,
 2 and convictions for domestic violence involving members
 3 of the Armed Forces and officers and employees of the
 4 Department of Defense under their jurisdiction during the
 5 preceding year.

6 “(c) REPORTS TO CONGRESS.—Not later than Janu-
 7 ary 15 of each year, the Secretary of Defense shall submit
 8 to Congress a report on the number of arrests, disposition
 9 of cases, subsequent prosecutions or disciplinary actions,
 10 and convictions for domestic violence involving members
 11 of the Armed Forces and officers and employees of the
 12 Department of Defense during the preceding year.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 at the beginning of such chapter is amended by adding
 15 at the end the following new items:

“1567. Domestic violence: responsibilities of military law enforcement officials.
 “1568. Domestic violence: prosecution policies.
 “1569. Domestic violence: annual reports.”.

16 (c) DEADLINE.—The Secretary of Defense shall pre-
 17 scribe in regulations the procedures to carry out sections
 18 1567 through 1569 of title 10, United States Code, as
 19 added by subsection (a), not later than 90 days after the
 20 date of the enactment of this Act.

21 (d) CONFORMING REPEAL.—

22 (1) REPEAL.—Section 1058 of title 10, United
 23 States Code, is repealed.

1 (2) TABLE OF SECTIONS.—The table of sections
2 at the beginning of chapter 53 of such title is
3 amended by striking the item relating to section
4 1058.

5 **SEC. 303. INVESTIGATION OF SEXUAL AND DOMESTIC VIO-**
6 **LENCE CASES INVOLVING DEPARTMENT OF**
7 **DEFENSE PERSONNEL.**

8 (a) ESTABLISHMENT.—Chapter 4 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 144. Director of Special Investigations**

12 “(a) APPOINTMENT.—There is a Director of Special
13 Investigations in the Department of Defense. The Director
14 is appointed by the Secretary of Defense from among per-
15 sons who have a significant level of experience in criminal
16 investigations and possess a significant level of training
17 and expertise in domestic violence, family violence, sexual
18 assault, or stalking.

19 “(b) SENIOR EXECUTIVE SERVICE POSITION.—The
20 position of Director of Special Investigations is a Senior
21 Executive Service position. The Secretary shall designate
22 the position as a career reserved position under section
23 3132(b) of title 5.

24 “(c) DUTIES.—Subject to the authority, direction,
25 and control of the Secretary of Defense, the Director of

1 Special Investigations shall perform the duties set forth
2 in this section and such other related duties as the Sec-
3 retary may prescribe.

4 “(d) DIRECT INVESTIGATIONS.—The Director shall
5 review an investigation of an allegation of sexual mis-
6 conduct, sexual assault, family violence, stalking, or do-
7 mestic violence—

8 “(1) if requested—

9 “(A) by the director of the Office of Vet-
10 erans Affairs;

11 “(B) by an investigative organization of
12 the Department of Defense or one of the mili-
13 tary departments; or

14 “(i) by a commander of a member of
15 the Armed Forces alleged to have engaged
16 in sexual misconduct, sexual assault, do-
17 mestic violence, family violence, or stalking
18 or to have been the victim of sexual mis-
19 conduct, sexual assault, domestic violence,
20 family violence, or stalking; or

21 “(2) in any case that the Secretary directs the
22 Director to investigate.

23 “(e) OVERSIGHT AND QUALITY CONTROL OF OTHER
24 INVESTIGATIONS.—(1) The Director shall review the sta-

1 tus of an investigation that is referred under subsection
2 (d).

3 “(2) In carrying out paragraph (1), the Director may
4 review the records of the investigation and observe the
5 conduct of the ongoing investigation.

6 “(3) The Director shall report to the Secretary on
7 any investigation monitored pursuant to paragraph (1).
8 The report may include the status of the investigation, an
9 evaluation of the conduct of the investigation, an evalua-
10 tion of each investigator and the investigative organization
11 involved in the investigation, and a recommendation for
12 the future conduct of the investigation.

13 “(f) POWERS.—In the performance of the duties set
14 forth or authorized in this section, the Director shall have
15 the following powers:

16 “(1) To have access to all records, reports, au-
17 dits, reviews, documents, papers, recommendations,
18 or other material available in the Department of De-
19 fense which relate to the duties of the Director.

20 “(2) To request such information or assistance
21 as may be necessary for carrying out the Director’s
22 duties from any Federal, State, or local govern-
23 mental agency or unit thereof.

24 “(3) To require by subpoena the production of
25 all information, documents, reports, answers,

1 records, accounts, papers, and other data and docu-
2 mentary evidence necessary in the performance of
3 the Director's duties, which subpoena, in the case of
4 contumacy or refusal to obey, shall be enforceable by
5 order of any appropriate United States district
6 court.

7 “(4) To serve subpoenas, summons, and any ju-
8 dicial process related to the review of an investiga-
9 tion.

10 “(5) To administer to or take from any person
11 an oath, affirmation, or affidavit whenever necessary
12 in the review of an investigation.

13 “(6) To obtain for the victim in the case under
14 review in the investigation from any military com-
15 mand a military protection order or from a court of
16 appropriate jurisdiction an order of protection, re-
17 spectively, to safeguard the victim.

18 “(7) To refer to a victim advocate for assist-
19 ance in obtaining services for any victim in the case
20 under review.

21 “(8) To request the appropriate commander to
22 take action to relocate the victim during an inves-
23 tigation in order to ensure the safety of a victim.

24 “(g) REFERRALS FOR PROSECUTION.—(1) The Di-
25 rector may refer any case of sexual misconduct, domestic

1 violence, family violence, sexual assault, or stalking de-
2 scribed in subsection (d)(1) to an appropriate commander
3 for action under chapter 47 of this title (the Uniform Code
4 of Military Justice) or other appropriate action.

5 “(2) The Director shall report each such referral to
6 the Secretary of Defense.

7 “(h) STAFF.—The Director shall have access to—

8 “(1) investigators who have extensive experience
9 in criminal investigations and demonstrated exper-
10 tise in domestic violence, family violence, sexual as-
11 sault, or stalking;

12 “(2) attorneys sufficient to provide the Direc-
13 tor, the criminal investigators, and the Director’s
14 other staff personnel with legal counsel necessary for
15 the performance of the duties of the Director; and

16 “(3) such other staff as is necessary for the
17 performance of the Director’s duties.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 4 of such title is amended by
20 adding at the end the following new item:

“144. Director of Special Investigations.”.

1 **Subtitle B—Crimes Related to Sex-**
2 **ual Assault and Domestic Vio-**
3 **lence**

4 **CHAPTER 1—FEDERAL CRIMINAL CODE**

5 **SEC. 311. ASSIMILATIVE CRIMES.**

6 Section 13 of title 18, United States Code, is amend-
7 ed by adding at the end the following:

8 “(d) For purposes of subsection (a) of this section,
9 that which may or shall be imposed through judicial or
10 administrative action under the law of a State, territory,
11 possession, or district for conduct that constitutes a sexual
12 assault, sexual abuse, sexual battery, rape, stalking, do-
13 mestic violence, or family violence offense of the jurisdic-
14 tion shall be considered to be punishment provided by the
15 law of that jurisdiction.”.

16 **SEC. 312. JURISDICTION FOR SEXUAL ASSAULT AND DO-**
17 **MESTIC VIOLENCE OFFENSES COMMITTED**
18 **OUTSIDE THE UNITED STATES.**

19 (a) **EXTRATERRITORIAL JURISDICTION.**—Section
20 3261(a) of title 18, United States Code, is amended by
21 inserting “or constitutes a sexual assault, sexual mis-
22 conduct, domestic violence, stalking, or family violence of-
23 fense” after “year”.

1 (b) DEFINITIONS.—Section 3267 of such title is
2 amended by adding at the end the following new para-
3 graphs:

4 “(5) The term ‘domestic violence’ has the
5 meaning given such term in section 2007(1) of the
6 Omnibus Crime Control and Safe Streets Act of
7 1968 (42 U.S.C. 3796gg–2(1)).

8 “(6) The term ‘sexual assault’ has the meaning
9 given such term in section 2007(6) of the Omnibus
10 Crime Control and Safe Streets Act of 1968 (42
11 U.S.C. 3796gg–2(6)).

12 “(7) The term ‘sexual misconduct’ includes—

13 “(A) sexual harassment, entailing any con-
14 duct involving sexual harassment that in the
15 case of an employee of the Department of De-
16 fense or a family member subject to the juris-
17 diction of the Secretary of Defense or of the
18 Secretary of a military department, comprises a
19 violation of a regulation, directive, or guideline
20 that is applicable to such employee or family
21 member;

22 “(B) sexual abuse;

23 “(C) sexual assault;

24 “(D) sexual battery; and

25 “(E) rape.

1 “(8) STALKING.—The term ‘stalking’ means
2 engaging in a course of conduct as proscribed in
3 chapter 110A directed at a specific person that
4 would cause a reasonable person to fear death, sex-
5 ual assault, or bodily injury to himself or herself or
6 a member of his or her immediate family when—

7 “(A) the person engaging in such conduct
8 has knowledge or should have knowledge that
9 the specific person will be placed in reasonable
10 fear of death, sexual assault, or bodily injury to
11 himself or herself or a member of his or her im-
12 mediate family; and

13 “(B) the conduct induces fear in the spe-
14 cific person of death, sexual assault, or bodily
15 injury to himself or herself or a member of his
16 or her immediate family.”.

17 **SEC. 313. TRAVEL AND TRANSPORTATION.**

18 Section 406(h) of title 37, United States Code, is
19 amended by striking “only if a written agreement of the
20 member,”.

**CHAPTER 2—UNIFORM CODE OF
MILITARY JUSTICE**

SEC. 316. DOMESTIC VIOLENCE AND FAMILY VIOLENCE.

(a) ASSAULT.—Section 928(b) of title 10, United States Code (article 128(b) of the Uniform Code of Military Justice), is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by inserting “or” at the end of paragraph (2); and

(3) by inserting after paragraph (2) the following new paragraph:

“(3) commits an assault involving domestic violence or family violence;”.

(b) ASSAULT INVOLVING DOMESTIC VIOLENCE OR FAMILY VIOLENCE DEFINED.—Such section is further amended by adding at the end the following new subsection:

“(c) In this section, the term ‘assault involving domestic violence or family violence’ means—

“(1) an assault—

“(A) with the intent to kill, injure, harass, or intimidate a spouse, intimate partner, or family member, or any other person related by consanguinity or affinity;

1 “(B) in which the accused intentionally in-
2 flicts bodily harm with or without a weapon
3 upon a spouse, former spouse, intimate partner,
4 or family member, or any other person related
5 by consanguinity or affinity; or

6 “(C) in which the accused places a person
7 in reasonable fear of imminent bodily injury to
8 that person or to another person;

9 “(2) a sexual assault; or

10 “(3) any conduct in which the accused—

11 “(A) places a person in reasonable fear of
12 imminent bodily injury to that person or to an-
13 other;

14 “(B) harasses or intimidates a spouse, inti-
15 mate partner, or family member or person re-
16 lated by consanguinity or affinity, in the course
17 of or as a result of which the accused commits
18 a crime of violence against the spouse, intimate
19 partner, or family member or person related by
20 consanguinity or affinity; or

21 “(C) uses force, coercion, duress, or fraud
22 to facilitate, commit, or attempt to commit a
23 crime of violence against a spouse, former
24 spouse, intimate partner, or family member.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to offenses committed
3 after the date of the enactment of this Act.

4 (d) INTERIM MAXIMUM PUNISHMENTS.—Until the
5 President otherwise provides pursuant to section 856 of
6 title 10, United States Code (article 56 of the Uniform
7 Code of Military Justice), the punishment which a court-
8 martial may direct for an offense under subsection (b)(3)
9 of section 928 of such title (article 128 of the Uniform
10 Code of Military Justice) may not exceed the following
11 limits:

12 (1) For an assault involving domestic violence
13 or family violence if the death of the victim results,
14 such punishment may not exceed dishonorable dis-
15 charge, forfeiture of pay and allowances, and con-
16 finement for life without eligibility for parole.

17 (2) For an assault involving domestic violence
18 or family violence if permanent disfigurement or life
19 threatening bodily injury to the victim results, such
20 punishment may be twice that as provided including
21 dishonorable discharge, forfeiture of pay and allow-
22 ances, and confinement for 30 years.

23 (3) For an assault involving domestic violence
24 or family violence if serious bodily injury to the vic-
25 tim results or if the accused uses a dangerous weap-

1 on, such punishment may not exceed dishonorable
2 discharge, forfeiture of all pay and allowances, and
3 confinement for 20 years.

4 (4) For an assault involving domestic violence
5 or family violence, such punishment may not exceed
6 dishonorable discharge, forfeiture of all pay and al-
7 lowances, and confinement for 10 years.

8 **SEC. 317. PROTECTIVE ORDERS.**

9 (a) ENFORCEMENT OF PROTECTIVE ORDERS.—Sec-
10 tion 892 of title 10, United States Code (article 92 of the
11 Uniform Code of Military Justice), is amended—

12 (1) by inserting “(a)” before “Any person”;

13 (2) by striking “or” at the end of paragraph
14 (2);

15 (3) by inserting “or” at the end of paragraph
16 (3);

17 (4) by inserting after paragraph (3) the fol-
18 lowing new paragraph:

19 “(4) violates or fails to obey a no contact order
20 or protective order;”; and

21 (5) by adding at the end of such section the fol-
22 lowing new subsection:

23 “(b) In this section, the term ‘no contact order or
24 protective order’ includes—

1 “(1) a no contact order issued by a command
2 or supervisor to a member to safeguard a spouse,
3 former spouse, intimate partner, or family member
4 of a member;

5 “(2) a protection order as defined in section
6 2266(5) of title 18; and

7 “(3) a protective order as defined in section
8 1561a of this title.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply with respect to offenses committed
11 after the date of the enactment of this Act.

12 **Subtitle C—Treatment Services for** 13 **Perpetrators**

14 **SEC. 321. ENHANCED CAPACITY OF THE DEPARTMENT OF** 15 **DEFENSE FOR TREATMENT SERVICES FOR** 16 **PERPETRATORS.**

17 (a) CONTRACTS AUTHORIZED.—

18 (1) IN GENERAL.—The Secretary of Defense,
19 acting through the Undersecretary of Defense for
20 Personnel and Readiness, may enter into contracts
21 with eligible entities for the provision of treatment
22 services, including a batterers program, for members
23 of the Armed Forces who have been assessed to have
24 committed domestic violence, family violence, sexual
25 assault, or stalking.

1 (2) DEFINITIONS.—In this section:

2 (A) ELIGIBLE ENTITIES.—The term “eligi-
3 ble entity” means a public or private, nonprofit
4 or nongovernmental entity the primary purpose
5 of which is to provide treatment services to per-
6 petrators of domestic violence, family violence,
7 sexual assault, or stalking.

8 (B) BATTERERS PROGRAM.—The term
9 “batterers program” means a program ap-
10 proved or certified by a State that is operated
11 by a public or not-for-profit organization for the
12 purpose of providing battering prevention and
13 educational services and the goal of which is to
14 help perpetrators end abusive behaviors.

15 (b) TERMS OF CONTRACT.—A contract awarded
16 under this section shall provide that the entity awarded
17 the contract—

18 (1) may provide for collaboration with existing
19 services in the civilian community for the provision
20 of appropriate treatment services;

21 (2) when appropriate treatment services are not
22 available in the civilian community or are not acces-
23 sible, may provide such services on military installa-
24 tions;

1 (3) shall not, under the contract, provide couple
2 counseling or mediation, but may provide referrals
3 for such counseling or mediation upon successful
4 completion of a certified batterers program and at
5 the request of the victim.

6 (c) TERMS OF BATTERERS PROGRAM.—The Sec-
7 retary shall ensure that the batterers program shall have
8 policies regarding—

9 (1) referrals for those for whom a batterers
10 program is not appropriate;

11 (2) suicide and homicide threats by clients; and

12 (3) confidentiality, in accordance with stand-
13 ards prescribed by the Secretary.

14 (d) APPLICATION.—An eligible entity that desires to
15 receive a contract under this section shall submit to the
16 Secretary an application at such time, in such manner,
17 and containing such information as the Secretary may re-
18 quire, consistent with the requirements specified in this
19 section.

20 (e) TREATMENT STANDARDS.—The treatment pro-
21 gram under the batterers program must meet the fol-
22 lowing standards:

23 (1) All treatment shall be based upon a full,
24 complete clinical assessment, including—

1 (A) current and past violence history relat-
2 ing to domestic violence, family violence, sexual
3 assault, or stalking;

4 (B) a complete diagnostic evaluation;

5 (C) a substance abuse assessment; and

6 (D) criminal history.

7 (2) All treatment shall be based on a treatment
8 plan that adequately and appropriately addresses
9 treatment needs of the individual.

10 (3) The program shall require the perpetrator
11 to review the following notices:

12 (A) A notice that the program will inform
13 the victim and victims' advocate that the perpe-
14 trator is in treatment.

15 (B) A notice that prior and current treat-
16 ment agencies will provide information on the
17 perpetrator to the program.

18 (C) A notice that the program will provide
19 relevant information on the perpetrator to rel-
20 evant legal and military entities.

21 (4) Treatment of a perpetrator must be for a
22 minimum treatment period established by the Sec-
23 retary by regulation.

24 (5) Satisfactory completion of treatment must
25 be contingent upon the perpetrator meeting specific

1 criteria, defined by the Secretary, and not just upon
2 the end of a certain period of time or attendance of
3 the perpetrator at a certain number of sessions.

4 (6) The program shall have a policy and proce-
5 dures for dealing with recidivism.

6 (7) The program shall have a policy and proce-
7 dures for dealing with noncompliance.

8 (8) All evaluation and treatment services shall
9 be provided by, and under the supervision of, quali-
10 fied personnel.

11 (f) DURATION OF CONTRACTS.—A contract awarded
12 under this section shall be for a period of three fiscal
13 years. Such a contract may be renewed.

14 (g) REPORTS.—An entity awarded a contract under
15 this section shall submit to the Secretary every six months
16 a report that describes, at a minimum—

17 (1) how the funds under the contract were
18 used;

19 (2) the extent to which military personnel were
20 served;

21 (3) the adequacy of staff training and services;

22 (4) the existence of barriers to the provision of
23 services;

24 (5) pertinent and appropriate factors con-
25 cerning perpetrators in the program, including age,

1 education, income, marital status, number of chil-
2 dren and their ages, any substance abuse, and per-
3 sonal history of family violence;

4 (6) the total number of persons referred to the
5 program, and the referral source;

6 (7) total number of persons determined to be
7 inappropriate for services and reasons therefor; and

8 (8) the number of persons participating in the
9 program, the number completing the program, the
10 number failing to complete the program, and rea-
11 sons therefor.

12 **SEC. 322. SEX OFFENDER TREATMENT PROGRAM.**

13 (a) DEFINITION.—In this section, the term “sex of-
14 fender treatment program” means a program approved or
15 certified by a State that is operated by a public or non-
16 profit organization for the purpose of providing treatment
17 services for sex offenders.

18 (b) TERMS OF CONTRACT.—A contract awarded
19 under this section shall provide that the sex offender treat-
20 ment program awarded the contract—

21 (1) may provide for collaboration with existing
22 services in the civilian community for the provision
23 of appropriate treatment services;

24 (2) when appropriate treatment services are not
25 available in the civilian community or are not acces-

1 sible, may provide such services on military installa-
2 tions.

3 (c) QUALIFIED TREATMENT PROVIDERS.—The Sec-
4 retary of Defense, acting through the Under Secretary of
5 Defense for Personnel and Readiness shall ensure that the
6 providers of sex offender treatment in the contracted pro-
7 gram meet the licensing or certification standards of the
8 State in which services are provided. The treatment pro-
9 viders shall—

10 (1) have education, training and experience in
11 the evaluation, treatment and management of indi-
12 viduals who sexually offend;

13 (2) possess a graduate degree and possess a
14 minimum of 2000 hours of clinical assessment and
15 treatment of sexual abusers and obtain annual con-
16 tinuing education in the field of sexual abuse; and

17 (3) adhere to the professional conduct code of
18 their clinical profession.

19 (d) TREATMENT STANDARDS.—The sex offender
20 treatment program for contracted sex offender treatment
21 shall—

22 (1) utilize psychosexual evaluations—

23 (A) to determine an offender's risk to re-
24 offend;

25 (B) to identify dynamic risk factors; and

1 (C) to develop appropriate treatment and
2 supervision plans;

3 (2) provide interventions that are—

4 (A) designed to assist the offender to man-
5 age thoughts, feelings, attitudes, and behaviors
6 associated with their risk to reoffend;

7 (B) utilize recognized treatment modalities
8 that are considered most effective in reducing
9 rates of reoffense; and

10 (C) manage offenders in the community
11 utilizing a risk management team approach.

12 **TITLE IV—COUNSELING AND**
13 **TREATMENT PROGRAMS OF**
14 **DEPARTMENT OF VETERANS**
15 **AFFAIRS**

16 **SEC. 401. RESEARCH ON BEST PRACTICES TO OVERCOME**
17 **STIGMA RELATED TO MILITARY SEXUAL**
18 **TRAUMA.**

19 It is the sense of Congress that the Secretary of Vet-
20 erans Affairs, in cooperation with Secretary of Defense,
21 should conduct research into best practices that allow vet-
22 erans who have been victims of sexual assault while in the
23 Armed Forces to overcome stigma in order to report the
24 crime, seek treatment, and recover.

1 **SEC. 402. TRAINING FOR DEPARTMENT OF VETERANS AF-**
2 **FAIRS PRIMARY CARE PROVIDERS.**

3 (a) TRAINING REQUIRED.—The Secretary of Vet-
4 erans Affairs shall ensure that all primary care providers
5 who are employed by the Department of Veterans Affairs
6 (or who treat veterans for the Department on a fee or
7 contract basis) receive training in (1) effective screening
8 methods for identifying veterans who have suffered from
9 military sexual trauma, and (2) the process for referring
10 for appropriate treatment and services veterans who are
11 so identified. For those providers who are so employed as
12 of the date of the enactment of this Act and who have
13 not previously received such training, such training shall
14 be completed not later than the end of the one-year period
15 beginning on the date of the enactment of this Act.

16 (b) ELEMENTS OF TRAINING.—The training under
17 subsection (a) shall require that all primary care providers
18 to be able to do the following:

19 (1) Describe the Department of Veterans Af-
20 fairs mandate and the prevalence of military sexual
21 trauma.

22 (2) Describe the relevance of military sexual
23 trauma to Department of Veterans Affairs clini-
24 cians.

25 (3) Identify the health correlates of sexual trau-
26 ma.

1 (4) Explain the effective screening methods for
2 military sexual trauma.

3 (5) List the steps to be taken by a clinician
4 when responding to disclosure of military sexual
5 trauma.

6 (6) Explain the referral process of a patient
7 who experienced military sexual trauma to mental
8 health and social services.

9 (7) Describe the mental health treatment for
10 military sexual trauma.

11 (8) Describe the documentation requirements
12 for military sexual trauma treatment and compensa-
13 tion.

14 (9) Explain the compensation issues associated
15 with military sexual trauma.

16 (10) Describe the complex patient-provider rela-
17 tionship issues associated with military sexual trau-
18 ma.

19 (11) Identify the risk factors that could cause
20 post-traumatic stress disorder flares in military sex-
21 ual trauma survivors.

22 (12) Define revictimization.

23 (13) Assess intimate partner violence.

24 (14) Describe treatment of acute sexual trauma
25 victims.

1 (15) Recognize how clinicians can care for
2 themselves and avoid burnout.

3 **SEC. 403. PILOT PROGRAM ON WAYS TO IDENTIFY VET-**
4 **ERANS WHO ARE VICTIMS OF MILITARY SEX-**
5 **UAL TRAUMA.**

6 (a) **PILOT PROGRAM.**—The Secretary of Veterans Af-
7 fairs shall conduct a pilot program to identify effective
8 ways of screening and referral processes for primary care
9 providers to identify veterans who are victims of military
10 sexual trauma.

11 (b) **DURATION.**—The pilot program under this sec-
12 tion shall be commenced not later than six months after
13 the date of the enactment of this Act and shall be con-
14 ducted for a period of three years.

15 (c) **REPORT.**—Not later than one year after the date
16 of the completion of the pilot program under this section,
17 the Secretary shall submit to the Committees on Armed
18 Services and on Veterans' Affairs of the Senate and House
19 of Representatives a report on the Secretary's evaluation
20 of the pilot program.

1 **SEC. 404. PILOT PROGRAM ON TREATMENT OF ACTIVE-**
2 **DUTY MILITARY PERSONNEL THROUGH FA-**
3 **CILITIES OF THE DEPARTMENT OF VET-**
4 **ERANS AFFAIRS.**

5 (a) **PILOT PROGRAM.**—The Secretary of Veterans Af-
6 fairs shall conduct a pilot program with the Secretary of
7 Defense under which active-duty military personnel who
8 are victims of military sexual trauma may be provided con-
9 fidential treatment for such trauma through facilities of
10 the Department of Veterans Affairs. The pilot program
11 shall be carried out pursuant to a memorandum of agree-
12 ment between the two Secretaries.

13 (b) **DURATION.**—The pilot program under this sec-
14 tion shall be commenced not later than six months after
15 the date of the enactment of this Act and shall be con-
16 ducted for a period of three years.

17 (c) **REPORT.**—Not later than one year after the date
18 of the completion of the pilot program under this section,
19 the Secretary of Veterans Affairs shall submit to the Com-
20 mittees on Armed Services and on Veterans' Affairs of the
21 Senate and House of Representatives a report on the Sec-
22 retary's evaluation of the pilot program.

1 **TITLE V—OTHER MATTERS**
 2 **Subtitle A—Administration Matters**

3 **SEC. 501. PERFORMANCE EVALUATIONS AND BENEFITS.**

4 The Secretary of Defense and the Secretary of the
 5 military department concerned may not approve for pres-
 6 entation of a financial award for performance of work or
 7 duties, and may not approve for promotion, an officer or
 8 employee of the Department of Defense or a member of
 9 the Armed Forces who—

10 (1) has been convicted of a criminal offense in-
 11 volving domestic violence, family violence, sexual as-
 12 sault, or stalking; or

13 (2) has received any other disciplinary action or
 14 adverse personnel action on the basis of having en-
 15 gaged in domestic violence, family violence, sexual
 16 assault, or stalking.

17 **SEC. 502. CLOSURE OF ARTICLE 32 INVESTIGATIONS IN**
 18 **CASES OF SEXUAL ASSAULT OR DOMESTIC VI-**
 19 **OLENCE.**

20 Section 832 of title 10, United States Code (article
 21 32 of the Uniform Code of Military Justice), is amended
 22 by adding at the end the following new subsection:

23 “(f) In an investigation under this article that in-
 24 cludes a charge or specification (or an uncharged offense
 25 included in the investigation pursuant to subsection (d))

1 of sexual assault or domestic violence, the investigating
 2 officer shall give particular consideration to closing the in-
 3 vestigation to the public.”.

4 **Subtitle B—Enhancement of Armed** 5 **Forces Domestic Security Act**

6 **SEC. 511. AMENDMENTS TO SERVICEMEMBERS CIVIL RE-** 7 **LIEF ACT.**

8 (a) EXCEPTION TO AUTHORITY TO ORDER STAYS IN
 9 CIVIL PROCEEDINGS.—Section 202(b)(1) of the
 10 Servicemembers Civil Relief Act (50 U.S.C. App.
 11 522(b)(1)) is amended by inserting “, except in the case
 12 of an order of protection or restraining order,” after “pro-
 13 ceeding”.

14 (b) CHANGE IN REFERENCES FROM “DEPENDENTS”
 15 TO “FAMILY MEMBERS”.—

16 (1) Section 101(4) of such Act (50 U.S.C. App.
 17 511(4)) is amended—

18 (A) in the heading, by striking “DEPEND-
 19 ENT” and inserting “FAMILY MEMBER”; and

20 (B) by striking “dependent” and inserting
 21 “family member”.

22 (2) Such Act is further amended by striking
 23 “dependent” and “dependents” each place they ap-
 24 pear and inserting “family member” and “family
 25 members”, respectively.

1 (3)(A) The heading for section 308 of such Act
2 (50 U.S.C. App. 538) is amended to read as follows:

3 **“§ 308. Extension of protections to family members.”.**

4 (B) The item relating to such section in the
5 table of contents in section 1(b) of such Act (50
6 U.S.C. App. 501(b)) is amended to conform to the
7 amendment made by subparagraph (A).

8 **Subtitle C—Research on Preva-**
9 **lence, Needs Assessment, Serv-**
10 **ices, and Accountability**

11 **SEC. 521. RESEARCH ON SEXUAL ASSAULT, DOMESTIC VIO-**
12 **LENCE, AND FAMILY VIOLENCE IN THE**
13 **ARMED FORCES.**

14 (a) IN GENERAL.—The Secretary of Defense, in con-
15 junction with the Attorney General, shall carry out a com-
16 prehensive research study on the prevalence and nature
17 of sexual assault, domestic violence, and family violence
18 in the Armed Forces. To the extent that incidents of sex-
19 ual assault are also incidents of domestic violence or fam-
20 ily violence, research activities for the purpose of the study
21 under this section can be conducted simultaneously and
22 in collaboration. The research study shall include the iden-
23 tification of—

1 (1) the common characteristics (if any) of vic-
2 tims of sexual assault, domestic violence, and family
3 violence;

4 (2) the common characteristics (if any) of per-
5 petrators of sexual assault, domestic violence, and
6 family violence;

7 (3) the situations and environments in which
8 sexual assault, domestic violence, and family violence
9 occur; and

10 (4) the affect of deployments, duty stations,
11 combat service, and veteran and active duty status
12 on sexual assault, domestic violence, and family vio-
13 lence.

14 (b) CATEGORIZATION OF DATA.—The research study
15 under this section shall be conducted with statistically sig-
16 nificant random samples of men and women who are ac-
17 tively serving in each of the Armed Forces. The selection
18 shall include enough men and women so that the data col-
19 lected are representative of men and women in each
20 branch and comparisons can be made across several broad
21 subgroup categories, such as age, race, rank, and length
22 of service in the Armed Forces.

23 (c) PROTECTION OF HUMAN SUBJECTS.—The Sec-
24 retary shall ensure the confidentiality of each survey par-
25 ticipant.

1 (d) DATA ANALYSIS AND REPORTING.—Once data
2 have been collected, the Secretary shall conduct appro-
3 priate analyses to determine the extent and nature of sex-
4 ual assault, family violence, and domestic violence within
5 the Armed Forces.

6 (e) REPORT.—Not later than 36 months after the
7 date of the enactment of this Act, the Secretary shall sub-
8 mit to Congress a report providing the results of the study
9 under this section. The report shall include the following:

10 (1) The incidence and prevalence of sexual as-
11 sault, family violence, and domestic violence involv-
12 ing members of the Armed Forces.

13 (2) The number of legal, judicial, nonjudicial,
14 and rehabilitative responses to sexual assault and
15 domestic violence, disaggregated by service.

16 (3) The extent to which such responses are ef-
17 fective at ensuring victim safety, requiring offender
18 accountability, and imposing sanctions on the of-
19 fender.

20 (4) A review of the availability and accessibility
21 of the prevention and intervention programs avail-
22 able to members of the Armed Forces and their fam-
23 ilies and partners and the effectiveness of those pro-
24 grams at increasing victim safety.

1 (5) Recommendations for improvements to De-
2 partment of Defense procedures and programs to
3 prevent and intervene in cases of sexual assault,
4 family violence, and domestic violence involving
5 members of the Armed Forces.

6 **SEC. 522. RESEARCH ON INSTITUTIONAL PROCEDURES FOR**
7 **REPORTING SEXUAL ASSAULT, DOMESTIC VI-**
8 **OLENCE, AND FAMILY VIOLENCE IN THE**
9 **ARMED FORCES.**

10 (a) **STUDY REQUIRED.**—The Secretary of Defense
11 shall provide for a study to examine procedures under-
12 taken after a military official receives a report of an inci-
13 dent of sexual assault, domestic violence, or family vio-
14 lence. The study shall be undertaken in consultation with
15 the Attorney General.

16 (b) **MATTERS TO BE INCLUDED.**—The study under
17 subsection (a) shall include an analysis of the following:

18 (1) The adequacy of the publication of the defi-
19 nition applicable to the Armed Forces of each of the
20 following terms: sexual assault, domestic violence,
21 and family violence.

22 (2) The publication of the Armed Forces policy
23 for sexual assault, domestic violence, and family vio-
24 lence.

1 (3) The individuals to whom reports of sexual
2 assault, domestic violence, and family violence are
3 given most often and—

4 (A) how those individuals are trained to re-
5 spond to such reports; and

6 (B) the extent to which those individuals
7 are trained.

8 (4) The reporting options that are presented to
9 persons as available to them if they become a victim
10 of sexual assault, domestic violence, and family vio-
11 lence, both as to—

12 (A) reporting and procedure options on
13 military installation; and

14 (B) reporting and procedure options out-
15 side of military installations.

16 (5) The resources available for victims' safety,
17 support, medical health, and confidentiality.

18 (6) Policies and practices that may prevent or
19 discourage the report of sexual assaults, domestic vi-
20 olence, and family violence to local crime authorities
21 or that may otherwise obstruct justice or interfere
22 with the prosecution of perpetrators of sexual as-
23 sault, domestic violence, and family violence.

24 (7) Policies and procedures found successful in
25 aiding the report, and any ensuing investigation or

1 prosecution, of sexual assault, domestic violence, or
2 family violence.

3 (c) REPORT TO CONGRESS.—The Secretary shall
4 submit to Congress a report on the study required by sub-
5 section (a) not later than one year after the date of the
6 enactment of this Act.

7 **SEC. 523. RESEARCH ON DATING VIOLENCE ASSOCIATED**
8 **WITH THE ARMED FORCES.**

9 (a) STUDY REQUIRED.—The Secretary of Defense
10 shall carry out a comprehensive research study on the
11 prevalence and nature of intimate partner violence in the
12 Armed Forces, including dating violence and violence
13 among former spouses or partners who are cohabiting with
14 or have cohabited with members of the Armed Forces. The
15 study shall be carried out in cooperation with the Attorney
16 General.

17 (b) MATTERS TO BE INCLUDED.—The study under
18 subsection (a) shall include the identification of the com-
19 mon characteristics of—

20 (1) both victims of intimate partner violence
21 and perpetrators of intimate partner violence;

22 (2) the situations and environments in which
23 intimate partner violence occurs; and

1 (3) the effect of deployments, duty stations,
2 combat service, and veteran, reserve or active duty,
3 or combat status.

4 (c) CATEGORIZATION OF DATA.—The study under
5 subsection (a) shall be conducted with statistically signifi-
6 cant random samples of men and women who are actively
7 serving in each branch of the Armed Forces and family
8 members. The selection shall include enough men and
9 women so the data that are collected are representative
10 of men and women in each branch and comparisons can
11 be made across several broad subgroup categories, such
12 as age, race, rank, and length of service in the Armed
13 Forces.

14 (d) CONFIDENTIALITY OF SUBJECTS.—The Sec-
15 retary shall ensure the confidentiality of each survey par-
16 ticipant.

17 (e) DATA ANALYSIS AND REPORTING.—Once data
18 have been collected, the Secretary shall conduct appro-
19 priate analyses to determine the extent and nature of inti-
20 mate violence within the Armed Forces, prevention, inter-
21 vention and response, and needs of victims of intimate
22 partner violence.

23 (f) REPORT.—Not later than 36 months after the
24 date of the enactment of this Act, the Secretary shall sub-

1 mit to Congress a report providing the results of the study
2 under this section. The report shall include the following:

3 (1) The incidence and prevalence of intimate
4 partner violence involving members of the Armed
5 Forces.

6 (2) A discussion of the prevention and interven-
7 tion available to intimate partners of members of the
8 Armed Forces.

9 (3) A discussion of the legal, judicial, non-
10 judicial, and rehabilitative responses to intimate
11 partner violence and how those responses vary
12 across the services.

13 (4) The extent to which such responses are ef-
14 fective at ensuring victim safety, requiring offender
15 accountability, and imposing sanctions on the of-
16 fender.

17 (5) A review of the availability and accessibility
18 of the prevention and intervention programs avail-
19 able to victims who are members on active duty and
20 victims who are civilians and the effectiveness of
21 those programs at increasing victim safety.

22 (6) Recommendations for improvements to De-
23 partment of Defense procedures and programs to
24 prevent and intervene in cases of intimate partner
25 violence.

1 **SEC. 524. RESEARCH ON CHILD MALTREATMENT, ABUSE,**
2 **AND HOMICIDE IN THE ARMED FORCES.**

3 (a) **STUDY REQUIRED.**—The Secretary of Defense
4 shall carry out a comprehensive research study on the
5 prevalence and nature of child maltreatment, abuse, sui-
6 cide, and homicide in the Armed Forces. The study shall
7 be carried out in cooperation with the Secretary of Health
8 and Human Services. The study shall include the identi-
9 fication of the common characteristics of—

10 (1) both victims and perpetrators of child mal-
11 treatment, abuse, or homicide associated with the
12 Armed Forces; and

13 (2) the situations and environments in which
14 child maltreatment, abuse, suicide, or homicide oc-
15 curs.

16 (b) **SAMPLING TECHNIQUES.**—The research study
17 under subsection (a) shall be conducted with statistically
18 significant random samples. The selection shall include
19 data collected across several broad subgroup categories,
20 such as age, race, status, and rank in the Armed Forces.

21 (c) **CONFIDENTIALITY.**—The Secretary shall ensure
22 the confidentiality of each survey participant.

23 (d) **DATA ANALYSIS AND REPORTING.**—Once data
24 have been collected, the Secretary shall conduct appro-
25 priate analyses to determine the extent and nature of child

1 maltreatment, abuse, suicide, and homicide within the
2 Armed Forces.

3 (e) REPORT.—Not later than 24 months after the
4 date of the enactment of this Act, the Secretary shall sub-
5 mit to Congress a report providing the results of the study
6 under this section. The report shall include the following:

7 (1) The incidence and prevalence of child mal-
8 treatment, abuse, suicide, and homicide involving
9 members of the Armed Forces.

10 (2) A discussion of the legal, judicial, non-
11 judicial, and rehabilitative responses to child mal-
12 treatment, abuse, suicide, and homicide and how
13 those responses vary across the services.

14 (3) The extent to which such responses are ef-
15 fective at ensuring victim safety, requiring offender
16 accountability, and imposing sanctions on the of-
17 fender.

18 (4) A review of the availability, accessibility,
19 and effectiveness at increasing victim safety within
20 the existing prevention and intervention programs
21 available to victims of child maltreatment, abuse,
22 suicide, and homicide within the Armed Forces.

- 1 (5) Recommendations for a comprehensive
- 2 strategy for prevention and intervention in cases of
- 3 child maltreatment, abuse, suicide, and homicide.

